The Journal of the Assembly

OF THE

SIXTY-EIGHTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

1995

BEGUN ON MONDAY, THE SIXTEENTH DAY OF JANUARY, AND ENDED ON MONDAY, THE THIRD DAY OF JULY

VOLUME 1

THE FIRST DAY—THE ONE HUNDRED AND FORTY-FOURTH DAY

SEE VOLUME 2 FOR INDEX

SPO, Carson City, Nevada, 1996



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ASSEMBLY LEGISLATIVE CALENDAR

(The Assembly actually met for a total of 116 days, though the session lasted through 169 calendar days; the table below is numbered by calendar days.)

Calendar Day	*Date*	*Page Number*
1	January 16, 1995	1
2	January 17, 1995	15
3	January 18, 1995	17
4	January 19, 1995	46
5	January 20, 1995	48
8	January 23, 1995	51
9	January 24, 1995	67
10	January 25, 1995	75
11	January 26, 1995	85
12	January 27, 1995	89
15	January 30, 1995	93
16	January 31, 1995	96
17	February 1, 1995	106
18	February 2, 1995	114
19	February 3, 1995	120
	(Two-Week Adjournment)	
36	February 20, 1995	126
37	February 21, 1995	134
38	February 22, 1995	145
39	February 23, 1995	158
40	February 24, 1995	164
43	February 27, 1995	172
44	February 28, 1995	183
45	March 1, 1995	193
46	March 2, 1995	201
47	March 3, 1995	207
50	March 6, 1995	211
51	March 7, 1995	218
52	March 8, 1995	222
53	March 9, 1995	227
54	March 10, 1995	233
57	March 13, 1995	239
58	March 14, 1995	248
59	March 15, 1995	253
60	March 16, 1995	259
61	March 17, 1995	264
64	March 20, 1995	272
65	March 21, 1995	279
66	March 22, 1995	285
67	March 23, 1995	291
68	March 24, 1995	309
71	March 27, 1995	315
72	March 28, 1995	321
73	March 29, 1995	330
74	March 30, 1995	342
75	March 31, 1995	383
78	April 3, 1995	390
79	April 4, 1995	402
80	April 5, 1995	408

Calendar Day	*Date*	*Page Number*
81	April 6, 1995	414
82	April 7, 1995	431
85	April 10, 1995	436
86	April 11, 1995	451
87	April 12, 1995	467
88	April 13, 1995	476
92	April 17, 1995	489
93	April 18, 1995	501
94	April 19, 1995	509
95	April 20, 1995	523
96	April 21, 1995	535
99	April 24, 1995	542
100	April 25, 1995	552
101	April 26, 1995	559
102	April 27, 1995	574
103	April 28, 1995	604
106	May 1, 1995	616
107	May 2, 1995	633
108	May 3, 1995	640
109	May 4, 1995	653
110	May 5, 1995	669
113	May 8, 1995	680
114	May 9, 1995	688
115	May 10, 1995	700
116	May 11, 1995	709
117	May 12, 1995	729
120	May 15, 1995	738
121	May 16, 1995	752
122	May 17, 1995	764
123	May 18, 1995	783
124	May 19, 1995	808
127	May 22, 1995	818
128	May 23, 1995	827
129	May 24, 1995	840
130	May 25, 1995	855
131	May 26, 1995	876
134	May 29, 1995	895
135	May 30, 1995	907
136	May 31, 1995	924
137	June 1, 1995	957
138	June 2, 1995	970
141	June 5, 1995	986
142	June 6, 1995	1028
143	June 7, 1995	1058
144	June 8, 1995	1078
145	June 9, 1995	1112
146	June 10, 1995	1130
148	June 12, 1995	1154
149	June 13, 1995	1186
150	June 14, 1995	1208
151	June 15, 1995	1242
152	June 16, 1995	1260
153	June 17, 1995	1281
155	June 19, 1995	1295
156	June 20, 1995	1324
157	June 21, 1995	1442

Calendar Day	*Date*	*Page Number*
158	June 22, 1995	1482
159	June 23, 1995	1539
160	June 24, 1995	1579
161	June 25, 1995	1620
162	June 26, 1995	1674
163	June 27, 1995	1708
164	June 28, 1995	1777
165	June 29, 1995	1871
166	June 30, 1995	1931
167	July 1, 1995	2004
168	July 2, 1995	2111
169	July 3, 1995	2178

LISTING OF ASSEMBLY BILLS AND ACTION THEREON

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

No. *Summary, Introducer and Page Reference*

1....Requires district attorney to include count of habitual criminality if defendant has sufficient convictions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Marvel. 25.

2....Reduces period during which cause of action to recover damages for personal injury or wrongful death may be commenced. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 25.

3....Increases penalty for possession of stolen firearm. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 25.

4....Allows pupils to earn credit toward graduation from high school by completing community service projects. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Giunchigliani. 25, 193, 202, 211,* 1612, 1671, 1672, 1706.

5....Revises provisions governing term of employment of superintendent of schools of school district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 25, 193, 203, 211,* 212, 436, 464.

6....Authorizes 4-day school week under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 25.

7....Transfers commission on postsecondary education from department of business and industry to department of education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Effect less than $2,000. Committee on Education. 25, 230, 231, 236, 241,* 436, 464.

8....Authorizes creation of general improvement district to furnish facilities for certain radio transmission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel. 26, 408, 419, 445,* 2144, 2145.

9....Authorizes governing body of county or city to restrict location of residential facilities for adult care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Giunchigliani (by request). 26.

10....Revises provisions prohibiting herding or grazing of livestock on land near municipal water supply. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. de Braga. 26, 402, 409, 431, 445,* 1503, 1572, 1573, 1618.

11....Requires administrator of division of state lands of state department of conservation and natural resources to offer for sale certain rights to develop real property in Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 26, 158, 168, 173, 188, 189,* 489, 505.

12....Authorizes construction and maintenance of storm water treatment and disposal facilities within Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 26, 1154, 1163, 1165, 1188, 1189,* 1580, 1672.

13....Requires submission of proposal to issue general obligation bonds to provide grants to local governments and department of transportation for projects for controlling erosion and restoring natural watercourses in Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 26, 315, 326, 344,* 1612, 1672.

14....Revises provisions governing financial administration of Comstock historic district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 27, 106, 118, 121,* 437, 484, 499.

15....Revises scope of access of office of internal audits to state governmental records. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 27, 227, 236, 250.

16....Revises provisions governing calculation of compensation of sheriff or chief of police for purpose of determining retirement benefits. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 27.

17....Makes appropriations for establishment and operation of program to provide for preparation and implementation of plans for protection and development of Lake Tahoe Basin by all interested participants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Government Affairs. 27.

No. *Summary, Introducer and Page Reference*

18....Expands area around polling place where electioneering or solicitation of votes is prohibited. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Giunchigliani. 27, 173, 188, 203, 207, 208 *.

19....Allows proceeds from optional tax on revenues from rental of transient lodging imposed throughout certain counties to be used for public transit system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 28, 408, 420, 445,* 446, 729, 750.

20....Revises provisions governing issuance of citation for violation of regulation of division of state parks of state department of conservation and natural resources. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 28.

21....Repeals authority of administrator of division of state parks of state department of conservation and natural resources to appoint construction engineer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 28, 114, 124, 132,* 383, 398.

22....Revises provisions regarding funding and operation of state parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 28, 114, 390, 404, 416, 543, 550,* 855, 893.

23....Revises definition of "golf cart" for purposes of provisions governing registration of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 28, 85, 91, 93,* 94, 383, 398.

24....Creates office of financial management, training and controls. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 28, 561, 586, 624,* 631, 635, 636, 961, 966, 1000, 1001,* 1194, 1240, 1851.

25....Prohibits discrimination on basis of sex in equal entitlement to public accommodations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 29.

26....Requires state board of professional engineers and land surveyors to adopt regulations relating to continuing education for professional engineers and professional land surveyors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 29, 139, 155, 165,* 489, 505.

27....Revises provisions relating to proof of identity required for issuance of instruction permit, driver's license or identification card. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 29, 140, 156, 160,* 437, 474, 475, 485.

28....Revises provisions relating to fee for endorsement to driver's license. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 29, 239, 245.

29....Establishes fee for endorsement added after issuance of original commercial driver's license for which driving skills test is required. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 29, 106, 118, 121, 159, 165,* 383, 398.

30....Requires identification of certain vehicles not registered for use on highways. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 29.

31....Repeals state forester firewarden's revolving account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 29, 159, 168, 173, 189,* 542, 557.

32....Makes appropriation to legislative counsel bureau for reproduction of older Nevada Reports. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Elections and Procedures. 29, 159, 168, 187, 190,* 542, 557.

33....Repeals obsolete provision relating to disposition of balance in abandoned property trust fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 30, 231, 236, 241,* 552, 570.

34....Makes appropriation to budget division of department of administration to reimburse legal division of legislative counsel bureau for expenses involved in preparing bill drafts requested by state agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 30, 476, 497, 504,* 689, 707.

35....Reorganizes Nevada rural housing authority. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel. 30, 279, 280, 510, 528, 536,* 1503, 1572, 1618, 2087, 2163.

36....Revises provisions governing inspection of certain records in state archives. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom. 30, 653, 673, 692,* 1029, 1077.

No. *Summary, Introducer and Page Reference*

37....Makes uniform in all counties certain provisions governing advertising of contracts for purchases by local governments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 30.

38....Revises jurisdiction of state fire marshal. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 30.

39....Revises provisions governing state purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 30, 408, 423, 445, 452, 464,* 1188, 1240.

40....Revises provisions that prohibit employers from taking certain adverse actions against employees who serve as witnesses. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 30, 633, 647, 671,* 908, 955.

41....Revises applicability of provisions governing exemption from licensure as contractor for sale or installation of certain finished products, materials or articles of merchandise. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 31.

42....Transfers duty to carry out methadone maintenance program to bureau of alcohol and drug abuse in rehabilitation division of department of employment, training and rehabilitation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 31.

43....Clarifies authority of officer or employee of Federal Government to enforce state laws and exercise powers of peace officer in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 31, 85, 273, 282, 289,* 1194, 1257, 1280.

44....Revises provisions governing forfeiture of annual leave by state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel. 31, 509, 528, 548,* 549, 855, 893.

45....Eliminates exemption from provisions governing subdivision of land provided for certain divisions of land for agricultural purposes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 31.

46....Revises procedure for dismissal, demotion or suspension of certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 31, 907, 938, 975,* 977.

47....Revises provisions relating to impact fees. Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 32, 700, 713, 761, 768,* 1966, 2013, 2111, 2118, 2151, 2180.

48....Provides for establishment of funds for extraordinary repair, maintenance or improvement of certain buildings of local government. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 32, 408, 423, 446,*.

49....Revises provisions relating to alteration of boundaries of certain districts for support of public parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 32, 408, 425, 446,* 841, 874.

50....Authorizes medium-term financing for local governments in lieu of short-term financing. Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 32, 408, 426, 446,* 1872, 1906, 1908, 2002.

51....Revises provisions relating to districts for the control of floods. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 33.

52....Requires certain bonds issued by municipalities to be sold by competitive bid. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 33, 653, 673, 692,* 1660, 1704, 1705, 1775.

53....Authorizes municipalities to issue refunding bonds for improvement districts under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 33, 158, 168, 173, 189,* 383, 398.

54....Revises provisions relating to distribution of uncommitted balance in fund for municipal bond bank. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 33.

55....Expands scope of mandatory bargaining applicable to local government employer to include transfer and reassignment of employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 33.

56....Requires training of operators of large boilers in schools. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 33, 535, 544, 568, 622, 627,* 1580, 1672.

No. *Summary, Introducer and Page Reference*

57....Broadens application of provisions governing eligibility for workers' compensation for diseases of heart or lungs. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 33, 560, 587, 624,* 1131, 1185.

58....Makes various changes to provisions governing labor. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 33, 34, 535, 545, 568, 622, 625, 667, 683,* 1131, 2172.

59....Makes various changes to provisions governing investigation, prosecution and punishment of crimes related to industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 34, 509, 528, 549,* 841, 874, 1024.

60....Makes various changes to provisions governing reporting and investigation of certain accidents occurring in course of employment. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 34, 342, 386, 406,* 604, 632.

61....Revises administrative penalties for violations of provisions governing industrial injuries, occupational diseases and control of asbestos. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 34, 207, 211, 220,* 1261, 1526, 1535, 1586, 1837, 1838, 1872, 2110.

62....Revises requirements for establishing quorum of occupational safety and health review board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 34, 509, 528, 549,* 1131, 1185.

63....Revises provisions relating to qualifications of certain applicants for registration as professional engineers and professional land surveyors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 34, 248, 255, 259, 269, 274,* 489, 505.

64....Increases monetary threshold at which awarding authority is required to advertise for bids for public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 34, 35.

65....Requires investigation and reporting of criminal history of certain applicants for licensure or employment in positions related to education. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 35, 309, 317, 318, 1218, 1223, 1226, 1243, 1264, 1271, 1282, 1283,* 1284, 1966, 2027.

66....Revises provisions governing number of members on board of trustees of certain county school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 35, 114, 124, 132,* 248, 256.

67....Revises provisions governing probationary period of administrators and teachers employed by county school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 35.

68....Increases maximum reward for information leading to arrest and conviction of person engaged in stealing livestock. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 35, 85, 91, 94,* 291, 313.

69....Provides partial exemption from business tax for businesses that employ certain pupils. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Allard. 35, 688, 703, 842, 868, 869,* 1155, 1206, 1250.

70....Revises requirements relating to eye examinations for renewal of drivers' licenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 35.

71....Increases balance in motor vehicle revolving account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 36, 499, 503, 526,* 689, 707.

72....Revises provisions relating to imposition of certain taxes for capital projects and financing construction of schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 36, 924, 959, 1001,* 1188, 1238, 1240.

73....Makes appropriation to Pershing County for expenses related to trial of Michael Sonner. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Marvel. 36, 173, 188, 198,* 2045.

74....Revises provisions governing use of units in common-interest community. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache (by request). 36, 198.

75....Provides for designation of Six-Mile Canyon Road in Storey and Lyon counties as state highway. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Dini. 46.

No. *Summary, Introducer and Page Reference*

76....Makes various changes regarding certification of juveniles for trial as adults and release of judicial records concerning juveniles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Marvel, Dini, Ernaut, Hettrick, Steel, Bennett, Tripple, Allard, Fettic, Segerblom, Carpenter, Brower, Arberry, Close, Nolan, Perkins, Sandoval, Humke, Anderson, Chowning, Schneider, Lambert, Stroth, Tiffany, Harrington, Monaghan, Batten, Price, Braunlin, Spitler, Giunchigliani, Bache, Manendo and Ohrenschall. 47.

77....Exempts purchase by local government from industry program in correctional institution in this state from local government purchasing act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 51.

78....Requires legislative auditor to conduct performance audit of state's program of group health insurance that is provided by committee on benefits through plan of self-insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Bache (by request). 51.

79....Requires legislative auditor to conduct performance audit of University and Community College System of Nevada and Board of Regents of University of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Dini, Goldwater, Spitler, Price, Krenzer, Manendo, Chowning, Ohrenschall, de Braga, Giunchigliani, Segerblom, Perkins, Marvel, Hettrick, Monaghan and Bache. 65, 164, 172, 198,* 199, 451, 475.

80....Revises provisions governing certain grants of financial assistance made by commission for cultural affairs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Segerblom, Marvel, de Braga, Buckley, Nolan, Sandoval, Perkins, Krenzer, Giunchigliani, Bache, Price, Ohrenschall, Dini, Schneider, Hettrick, Neighbors, Arberry, Manendo, Chowning, Anderson, Evans, Spitler, Allard, Carpenter, Batten, Goldwater, Steel, Williams, Ernaut and Braunlin. 67, 68, 476, 497, 504,* 2092.

81....Provides for study of effectiveness of programs for treatment of alcohol and drug abuse. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Judiciary. 68.

82....Requires certain information concerning use of alcohol or controlled substances to be included in records of criminal history. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 68.

83....Requires peace officers to receive training in detection of use and abuse of alcohol and controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 68.

84....Revises provisions governing placement of criminal offendersin programs of treatment for abuse of alcohol and drugs before sentencing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 68, 559, 587, 624,* 855, 950, 969.

85....Revises provisions governing placement of criminal offenders in programs of treatment for abuse of alcohol and drugs before sentencing. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 69.

86....Expands circumstances under which proceedings and sentences for persons convicted of certain offenses relating to controlled substances may be suspended or reduced. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 69, 183, 197, 198, 216.

87....Makes appropriation to bureau of alcohol and drug abuse in rehabilitation division of department of employment, training and rehabilitation for support of certain programs of treatment for criminal offenders who abuse alcohol or drugs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Judiciary. 69, 288, 296.

88....Makes appropriations to certain judicial districts for programs of treatment for abuse of alcohol or drugs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Judiciary. 69, 248, 255, 895, 920,* 1580, 1672.

89....Eliminates mandatory minimum penalty for unlawful use of certain controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 69.

90....Increases excise taxes on liquor to provide treatment for alcohol and drug abusers who have been accused or convicted of crimes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 70.

91....Requires evaluation and treatment relating to abuse of alcohol or other drugs for juvenile offenders under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 70, 857, 879, 912, 971, 978, 979,* 1261, 1293.

92....Requires revocation of driver's licenses of certain juveniles who drive under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 70, 288, 296, 318, 324,* 1503, 1669, 1671, 1872, 1880, 2078, 2082, 2083, 2111.

No. *Summary, Introducer and Page Reference*

93....Makes various changes to provisions governing assignment of offenders to program for treatment of abuser of alcohol or drugs established by director of department of prisons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 70, 477, 497, 519,* 1483, 1614, 1672, 1722, 1802.

94....Requires revocation or delay in issuance of driver's licenses of certain juveniles who unlawfully purchase, consume or possess alcoholic beverage. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 70, 288, 296, 297.

95....Requires finding that juvenile was driving under influence of intoxicating liquor or controlled substance to be included in his driver's record for certain period. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 71, 911, 939, 975, 976.

96....Provides for deferred prosecution of certain persons accused of driving under influence of intoxicating liquor or controlled substance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Judiciary. 71.

97....Requires offender convicted of driving under influence of intoxicating liquor or controlled substance for first time to be placed in program of treatment under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 71.

98....Establishes within department of prisons position of coordinator of programs for treatment of offenders who abuse alcohol or drugs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 71.

99....Authorizes participation by State of Nevada in Conference of the States. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Humke, Dini, Anderson, Lambert, Monaghan, Ernaut, Hettrick, Giunchigliani, Close, Arberry, Williams, Perkins, Sandoval and Tiffany. 72, 681, 696.

100....Requires bicycle riders to wear protective headgear. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 82.

101....Authorizes funding of programs against theft of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 82.

102....Revises provisions relating to composition of advisory board on automotive affairs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 82.

103....Makes various changes relating to regulation of taxicabs in certain counties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 82, 1296, 1300, 1301, 1326, 1327, 1789, 1857,*.

104....Revises provisions governing maximum ground clearance and distance between frame and body of motor vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 82.

105....Authorizes state board of education to provide for instruction relating to violent and other crimes. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Nolan, Marvel, Harrington, Ernaut, Manendo, Segerblom, de Braga, Tripple, Stroth, Bennett, Buckley, Allard, Close, Batten and Chowning. 82, 83, 158, 168, 170, 187, 190, 683, 692, 724, 734, 735,* 1162, 1206, 1261, 1280, 1298, 1326, 1480.

106....Provides for forfeiture of good-time credit on account of frivolous civil action. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 83, 288, 297, 611, 624, 645,* 908, 955.

107....Revises provisions governing temporary appointment of certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Buckley, Manendo, Bache, Nolan, de Braga, Giunchigliani, Evans, Tiffany, Price, Allard, Batten, Monaghan, Sandoval, Freeman, Chowning, Harrington, Krenzer, Williams, Arberry, Brower, Schneider, Steel, Spitler, Perkins, Ohrenschall, Carpenter, Tripple, Lambert, Hettrick, Stroth, Goldwater, Segerblom, Dini, Neighbors, Close, Fettic, Ernaut, Marvel and Anderson. 83, 193, 203, 207,* 208, 729, 761, 762, 781.

108....Increases penalty for stealing certain firearms and for possessing certain stolen firearms. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Stroth, Perkins, Ernaut, Marvel, Buckley, Krenzer, Braunlin, Schneider, Close, Lambert, Tripple, Harrington, Humke, Anderson, Manendo and Sandoval. 86, 222, 230, 233,* 383, 398.

109....Authorizes issuance of protective order for victim of person charged with crime of harassment or stalking who is acquitted by reason of insanity. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Stroth, Ernaut, Marvel, Buckley, Krenzer, Braunlin, Schneider, Batten, Monaghan, Allard, Steel, Close, Lambert, Tripple, Humke, Manendo, Harrington and Anderson. 86, 501, 518, 526, 527, 528*.

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110....Revises provisions concerning exclusion of witnesses from certain proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Stroth, Steel, Schneider, Lambert, Tripple, Ernaut, Anderson, Harrington, Humke, Buckley, Manendo and Braunlin. 86, 288, 297, 318, 324,* 542, 557, 570.

111....Expands scope of mandatory bargaining for teachers and certain persons employed by school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 86.

112....Revises provisions governing membership of commission on professional standards in education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 86.

113....Makes contingent appropriation to Tricounty Railway Commission of Carson City and Lyon and Storey counties for restoration of railroad line from Virginia City to Carson City. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Dini, Fettic, Hettrick and Ernaut. 86, 87, 1880, 1882, 1919,* 1921, 2045.

114....Delays first prepayment of insurance premium tax and requires one quarterly payment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Dini. 90.

115....Revises provisions relating to certain sales of goods and services. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Spitler, Arberry, Marvel, Hettrick, Allard, Chowning, Close, Bache, Lambert, de Braga, Monaghan, Manendo, Tripple, Segerblom, Krenzer, Anderson, Neighbors, Tiffany, Ohrenschall, Buckley, Bennett, Evans, Sandoval, Harrington, Brower, Goldwater, Williams, Perkins, Price, Dini, Fettic, Schneider, Steel, Braunlin, Carpenter, Humke, Batten, Stroth and Ernaut. 90.

116....Repeals prospective expiration of statute creating Nevada commission for women. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. de Braga, Evans, Buckley, Sandoval, Ernaut, Giunchigliani, Chowning, Anderson, Segerblom, Bache, Neighbors, Arberry, Spitler, Dini and Freeman. 90, 1187, 1193, 1195, 1218, 1219,* 1223, 2092.

117....Incorporates City of Pahrump by charter. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Neighbors (by request). 94, 1187, 1193, 1195, 1218, 1219,* 1223, 1881, 2002.

118....Provides for issuance of special license plates for support of missing or exploited children under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Spitler. 94, 739, 755, 804,* 805, 1872, 1909, 2002.

119....Authorizes aunts and uncles to petition for right to visitation of certain children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache (by request). 94.

120....Creates trust fund for extraordinary maintenance, repair or improvement of capital projects of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Bache. 94, 1028, 1039, 1041, 1059, 1063, 1086.

121....Makes various changes concerning bidding and awarding of contracts for public works. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 101.

122....Makes various changes to provisions governing appeals and hearings before state board of health. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 101, 1497, 1501, 1524, 1541, 1580, 1581,* 1582, 1881, 2002.

123....Requires expulsion of pupil for possession of firearm. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 101.

124....Revises provisions governing program for accountability of school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 101, 158, 168, 173, 187, 188.

125....Authorizes juvenile court to place certain children under supervision of public agency to work on projects to eradicate graffiti. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, Goldwater, Freeman, Close, Batten, Krenzer, Anderson, Steel, Monaghan, Lambert, Bennett, Giunchigliani, Manendo, Tripple, Arberry, Nolan, Segerblom, Neighbors, de Braga, Perkins, Schneider, Braunlin, Dini, Evans, Buckley, Chowning, Price, Sandoval, Spitler, Stroth, Humke, Bache, Carpenter, Ernaut and Hettrick. 101, 102, 288, 297, 318, 324,* 542, 557.

126....Makes supplemental appropriation to division of forestry of state department of conservation and natural resources for certain expenses relating to helicopters for use during fire season. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 102, 260, 269, 275,* 436, 464.

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127....Makes supplemental appropriation to division of agriculture of department of business and industry for additional veterinary medical services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 102, 231, 236, 241,* 436, 464.

128....Makes supplemental appropriation to department of taxation to offset revenue shortfalls and for additional data processing expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 102, 282, 287, 312,* 436, 464.

129....Makes supplemental appropriations to state department of conservation and natural resources for additional staff and equipment for state administrative offices. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 102, 243, 249, 259, 269, 275,* 414, 434.

130....Makes various changes concerning committee on high-level radioactive waste and agency for nuclear projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 102, 1187, 1193, 1199, 1218, 1219,* 1223, 1772, 1833, 1836, 1929.

131....Provides for regulation of inter-casino linked systems related to gaming. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 103, 559, 590, 625,* 1059, 1124, 1126, 1209, 1240, 1322, 1323, 1336, 1538, 1638.

132....Revises provisions governing crimes relating to federal foodstamps. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 103, 451, 469, 498, 617, 636, 1327, 1337, 1444, 1445, 1446,* 1461, 1709, 1904, 2045, 2088, 2103, 2104, 2144.

133....Makes various changes to provisions governing regulation of gaming. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 103, 559, 594, 625, 626,* 841, 874, 1124, 1644.

134....Revises provisions governing short-term tenancies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 103, 633, 648, 670, 828, 834, 835,* 842, 851, 852,* 1483, 1898, 1899, 2002.

135....Revises provisions governing repayment of financial support received by students from Western Interstate Commission for Higher Education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 108, 700, 714, 749,* 1079, 1184, 1206.

136....Makes various changes related to state financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 108.

137....Prohibits restraint of competition to purchase or lease property of local government. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 109, 279, 288, 306,* 877, 949, 950, 969.

138....Exempts certain arrangements by general improvement districts with private developers from certain laws governing public contracts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 109, 227, 236, 237, 250,* 339, 381.

139....Revises provisions governing expenditure of money by certain counties to encourage preservation of certain species of wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 109, 315, 327, 336,* 729, 762, 781.

140....Requires local government to refund impact fees for certain housing for low-income households. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 109.

141....Revises provision governing expenditure of certain money distributed to redevelopment agency. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 109.

142....Revises provisions governing submission of employment disputes to arbitration. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 110.

143....Authorizes board of county commissioners to convey certain property belonging to county to nonprofit organizations for development of affordable housing for low-income families. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 110, 552, 563, 611,*.

144....Revises provisions relating to cooperative agreements concerning insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 110, 908, 913, 915, 1490, 1501, 1541,* 1544, 2112, 2120, 2121.

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145....Increases amount of certain claims for refunds for which board of county commissioners may delegate its authority to approve. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 110, 158, 168, 173, 189,* 437, 484, 485, 499.

146....Facilitates amendment of master plan of district for control of floods. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 110, 183, 198, 208,* 634, 651.

147....Makes various changes to provisions governing license agents of division of wildlife of state department of conservation and natural resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 110, 111, 201, 209, 336, 343, 395,* 729, 762, 772, 781, 963, 968,* 987, 1057.

148....Requires establishment of program to provide grants of money to conservation districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. de Braga, Segerblom, Neighbors, Carpenter and Dini. 111, 535, 545, 1931, 2006, 2108,* 2153.

149....Removes certain felonies involving use of firearm from jurisdiction of juvenile court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 111.

150....Makes various changes regarding jurisdiction of juvenile courts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 111.

151....Makes various changes to provisions governing disclosure of witnesses and discovery and inspection of evidence for for criminal proceeding. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Stroth, Ernaut, Perkins, Arberry, Allard, Anderson, Braunlin, Batten, Bennett, Steel, Nolan, Monaghan, Carpenter and Schneider. 111, 288, 298, 318, 324,* 971, 980, 984, 1026.

152....Requires arbitration or mediation of certain claims relating to residential property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Schneider, Carpenter, Buckley, Steel, Sandoval, Bennett, Monaghan, Ohrenschall, Segerblom, Spitler, Humke, Giunchigliani, Stroth, de Braga, Ernaut, Anderson, Dini, Manendo, Hettrick, Goldwater, Harrington, Freeman, Batten, Perkins and Bache. 112, 1085, 1086, 1118, 1119, 1132, 1162, 1191,* 1660, 1710, 1711, 1864, 1868.

153....Provides for issuance of special license plates which express support for program for drug abuse resistance education under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Anderson, Bache, Ohrenschall, Manendo, Segerblom, de Braga, Monaghan, Harrington, Buckley, Humke, Allard, Sandoval, Carpenter, Brower, Spitler, Lambert, Batten and Chowning. 112, 739, 755, 768, 769,* 1872, 1909, 1910, 2002.

154....Provides for exclusion of disadvantaged employees when calculating amount of business tax due. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Bennett, Stroth, Allard, Schneider, Price, Neighbors, Segerblom, Batten, Fettic, Ernaut, Ohrenschall and Brower. 115.

155....Prohibits person who has received refund for hunting license from being denied bonus points for additional chances to obtain hunting tag. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Sandoval, Carpenter, Schneider, Segerblom, Bennett, de Braga, Marvel, Ernaut, Anderson, Allard, Ohrenschall, Fettic, Bache and Neighbors. 115, 285, 298, 616, 636, 667,*.

156....Clarifies period during which certain replacement tags to hunt big game mammals are valid. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Sandoval, Carpenter, Schneider, Segerblom, Bennett, de Braga, Marvel, Ohrenschall, Ernaut, Anderson, Allard, Fettic and Neighbors. 115, 535, 546, 569,* 841, 874.

157....Authorizes hospital to admit licensed psychologists to its staff. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson, Bache, Manendo, de Braga, Segerblom, Buckley, Tripple, Carpenter, Allard, Hettrick, Ernaut, Giunchigliani, Nolan, Marvel, Neighbors, Evans, Price and Dini. 115.

158....Requires free appropriate public education in compliance with federal law for pupils with disabilities who are excused from compulsory attendance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 116, 554, 565, 611,* 612, 971, 1025, 1026, 1057.

159....Makes various changes to provisions governing removal or possession of certain trees and flora. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 116.

160....Makes various changes to provisions governing issuance of restricted nonresident deer tags. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 116, 272, 282, 510, 526,* 1243, 1257, 1292, 1323, 1928, 1943.

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161....Authorizes person to fish using second combination of hook, line and rod under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 116, 201, 209, 315, 327, 336,* 634, 651.

162....Requires certain persons to participate in period for solicitation of public comment to preserve their right to appeal certain administrative decisions related to air pollution. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 116, 117.

163....Authorizes community redevelopment agencies to issue bonds at discount. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 117, 279, 288, 312,* 841, 874.

164....Revises provisions governing jurisdiction and authority of certain units of specialized law enforcement established by political subdivision. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 117, 227, 237, 241,* 841, 874.

165....Provides criminal penalty under certain circumstances for providing minor access to firearm. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Williams. 117.

166....Revises provisions governing exemption from taxation of property owned by certain nonprofit organizations. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Evans, Price, Dini, Tripple, Segerblom, Freeman, de Braga, Williams, Arberry, Anderson, Tiffany, Close, Krenzer and Manendo. 117, 248, 256, 269, 275,* 451, 475.

167....Makes various changes relating to state contractors' board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 122.

168....Requires board of regents of University of Nevada to exempt all employees of University and Community College System of Nevada from payment of parking fees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Freeman (by request). 122.

169....Authorizes nonprofit organization to acquire land held in trust by county treasurer for delinquent taxes for development of affordable housing for low-income families. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 122.

170....Clarifies legislative intent concerning application of sales tax to food for immediate consumption. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 122, 1579, 1586, 1587, 1621, 1655,* 1656, 2144, 2146.

171....Authorizes use of straw and solar energy under building codes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 123, 436, 451, 538, 540, 553,* 1966, 2013.

172....Prohibits employer from applying tips or gratuities bestowed upon employee as credit toward payment of wages to another employee. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 123.

173....Makes various changes regarding exemption of charitable organizations from taxes on retail sales. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 123.

174....Eliminates requirement of residency for city clerk of City of Sparks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson, Evans, Stroth, Buckley, Sandoval, Manendo, Price, Tiffany, Lambert, Goldwater, Bache, Freeman, Braunlin, Bennett and Neighbors. 123, 227, 237, 241, 242,* 542, 557.

175....Requires attendance in kindergarten for children of certain age. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Bache, Segerblom, Neighbors, Anderson, Goldwater, Evans, Lambert, Price, Arberry, Chowning, Buckley, Freeman and Williams. 123, 330, 333, 334, 2004, 2029, 2108,*.

176....Establishes formula for determining mobility of pupils. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache, Anderson, Evans, Manendo, Buckley, Monaghan, Tiffany, Giunchigliani, Perkins, Lambert, Price, Arberry, de Braga, Steel, Sandoval, Krenzer, Segerblom, Ohrenschall, Carpenter, Braunlin, Goldwater, Nolan, Chowning, Williams, Spitler, Neighbors, Dini, Schneider, Marvel, Humke and Ernaut. 124, 227, 231, 1741, 1745, 1782, 1784,* 1790, 1881, 2002.

177....Revises provisions governing best interests of child in termination of parental rights. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Freeman, Humke, Anderson, de Braga, Ernaut, Evans, Lambert, Bache, Arberry, Giunchigliani, Goldwater, Ohrenschall, Manendo, Dini, Buckley, Spitler, Chowning, Schneider, Perkins, Price, Neighbors, Segerblom, Hettrick and Williams. 124, 735, 740, 895, 896, 909, 922, 949, 955, 958, 971, 975, 1194, 1240.

178....Revises certain requirements for defining boundaries of mining claims. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel. 127, 452, 470, 498,* 729, 750.

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179....Revises circumstances under which board of county commissioners may authorize use of certain county equipment on private roads. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel. 128, 227, 237, 242,* 542, 557.

180....Makes various changes concerning tort actions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel, Arberry, Tiffany, Fettic, Hettrick and Ernaut. 128.

181....Makes appropriation to University and Community College System of Nevada for support of health service corps. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 128, 1675, 1691, 1698, 1729,* 1732, 1872, 2002.

182....Makes supplemental appropriation to supreme court for anticipated shortfall in revenue from administrative assessments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 128, 709, 731, 761, 769,* 1162, 1185, 1206.

183....Authorizes issuance of revenue bonds for construction of building for applied technology center at Truckee Meadows Community College. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 128, 499, 503, 519,* 841, 874.

184....Makes appropriation to division of water resources of state department of conservation and natural resources for certain costs of litigation involving stream systems of Truckee, Carson and Walker rivers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 128, 832, 845, 879,* 1188, 1240.

185....Includes within crime of involuntary manslaughter violation of certain laws resulting in another person's death. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Hettrick. 129, 288, 298, 318, 325,* 729, 824, 825, 855, 874, 1525, 1549, 2023, 2045.

186....Revises provisions governing evidence considered at hearing to determine sentence to be imposed on criminal defendant. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 129, 288, 298, 318, 325,* 604, 638, 681, 1152, 1155, 1240.

187....Revises provisions relating to disclosure of certain information contained in records of department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Hettrick. 129, 516, 529, 532, 739, 761, 769, 811,* 1580, 1773, 1775, 1872, 1880, 1959, 2045.

188....Repeals prospective expiration of provision requiring public utilities to pay assessments for certain expenses incurred by public service commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 129, 233, 241, 250, 251,* 542, 557.

189....Makes various changes to provisions governing recovery of certain civil penalties by public service commission of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 129.

190....Repeals authority of public service commission of Nevada to require aircraft carriers to file adequate indemnity bonds or insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 130, 233, 241, 251,* 436, 464.

191....Makes various changes to provisions governing protection of trade-marks, trade names and service marks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 130, 321, 333, 385, 386,* 542, 557.

192....Makes various changes to provisions relating to hearing aid specialists. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 130, 710, 731, 761, 770,* 1281, 1439, 1440, 1549, 1570, 1768, 1872, 2002.

193....Makes appropriation to University and Community College System of Nevada for Cheyenne and West Charleston campuses of Community College of Southern Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Arberry, Marvel, Giunchigliani, Dini, Chowning, Hettrick, Spitler, Fettic, Tiffany, Price, Bache, Krenzer and Close. 130, 173, 188, 199,* 383, 398.

194....Provides for fundamental review of base budgets of state agencies by legislature. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Ernaut, Hettrick, Dini, Sandoval, Schneider, Stroth, Nolan, Harrington, Allard, Marvel, Arberry, Giunchigliani, Spitler, Brower, Tiffany, Neighbors, Carpenter, Segerblom, Braunlin, Steel and Price. 131, 1162, 1163, 1166, 1188, 1189,* 2045.

195....Requires immediate disclosure on weekly list of bill draft requests of name of legislator who requests preparation of legislative measure. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Anderson, Williams, Krenzer, Freeman, Ernaut, Tiffany, Marvel, Giunchigliani, Chowning, Ohrenschall, Bache, Buckley, Schneider, Spitler, Humke, Lam-

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bert, Manendo, Harrington, Perkins, Bennett, Braunlin, Fettic, Steel, Dini, de Braga, Neighbors, Hettrick, Tripple, Brower, Allard, Monaghan, Close, Nolan, Segerblom, Stroth, Sandoval, Goldwater, Batten and Carpenter. 131, 291, 311, 325,*.

196....Transfers certain duties of deputy superintendent for administrative and fiscal services to superintendent of public instruction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 136, 987, 1004, 1006, 1243, 1268,* 1269.

197....Makes various changes to provisions governing program for accountability of school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Education. 136.

198....Revises provisions governing abolishment of office of constable and authorizes assignment of civil powers and duties of sheriff to constables in certain townships. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 136, 1028, 1039, 1042, 1045, 1188, 1193,* 1223, 1224, 1335, 1337, 1444, 1446,* 1461.

199....Expands state agencies that are required to comply with procedure for employing or reclassifying persons who provide primarily information services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 136, 408, 426, 446,*.

200....Revises provisions governing organization of department of information services and administration of state communications system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 137, 408, 427, 438, 1540, 1573, 1575, 1580, 1581,* 1582.

201....Requires date for first hearing to consider release of offender on parole to be set when offender is sentenced for crime. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Stroth, Sandoval, Carpenter, Steel, Monaghan, Schneider, Buckley, Humke, Anderson, Batten, Bennett and Goldwater. 137.

202....Revises act relating to Tahoe Regional Planning Compact. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Ernaut, Nolan, Stroth, Allard, Harrington, Carpenter, Bennett, Schneider, Goldwater, Williams and Lambert. 137.

203....Establishes program for payment of bonuses to state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Goldwater, Schneider, Bache, Ernaut, Fettic, Sandoval, Marvel, Price, Spitler, Manendo, Nolan, Buckley, Williams and Dini. 137.

204....Requires one commissioner of each housing authority to be representative of tenants of project of authority. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Williams, Price, Arberry, Krenzer, Buckley, Anderson, Segerblom, Ernaut, Goldwater, Harrington, Schneider and Manendo. 138, 700, 715, 747, 823, 824, 850,* 2160, 2162, 2163.

205....Revises provisions regarding sale, lease and registration of motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Spitler. 138, 438, 457, 482, 483,* 1443, 1538.

206....Revises provisions governing existence of commissioner townships for civil marriages. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 138, 523, 539, 549,* 987, 1057.

207....Revises punishment for involuntary manslaughter and includes within crime violation of certain traffic laws resulting in another person's death. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 138.

208....Revises provision governing amount of money to be paid to jurors for service. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 138.

209....Provides for fundamental review of base budgets of state agencies by legislature. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 139.

210....Makes various changes regarding preparation of governmental budgets. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 140, 738, 755, 805, 823,* 2092, 2105, 2106, 2153, 2164, 2165, 2180.

211....Requires initial offering of policy of property insurance for business establishment to include coverage for loss or damage caused by earthquake, under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Lambert (by request). 147.

212....Makes various changes to provisions governing hunting and fishing licenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Natural Resources, Agriculture and Mining. 147, 895, 911, 958, 1058, 1059, 1063, 1079, 1080, 1081, 1959, 1967, 2029, 2030,* 2112.

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213....Requires legislative commission to appoint legislators with certain qualifications as majority of members of each interim or special committee. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 147, 148.

214....Authorizes legislature to reject certain proposed administrative regulations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 148, 315, 327, 336, 337,* 877, 950, 952, 969.

215....Creates advisory committee on public access to legislative process and related communications. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Elections and Procedures. 148.

216....Increases salary of members of boards of trustees in certain school districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Segerblom, de Braga, Neighbors, Schneider, Chowning, Bennett and Price. 148, 207, 211, 220, 333, 337, 338.

217....Makes appropriation to division of child and family services of department of human resources for vehicles, equipment, supplies and building maintenance for northern and southern child and adolescent services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 148, 1058, 1063, 1067, 1079, 1081,* 1580, 1672.

218....Makes appropriation to and authorizes expenditure by division of child and family services of department of human resources for vehicles, computers and miscellaneous equipment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 148, 1325, 1337, 1347, 1444, 1446,* 1461, 1580, 1672.

219....Makes appropriations to department of museums, library and arts for enhancement of computer system, improvement of various functions of state library and remodeling of basement in state library and transfers certain amounts between projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 149, 1296, 1300, 1302, 1326, 1327, 1328,* 1334, 1580, 1672.

220....Makes appropriation to budget division of department of administration for development of requirements for integrated financial system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 149, 895, 911, 952,* 1580, 1672.

221....Makes appropriation to real estate division of department of business and industry and to employee-management relations board for certain office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 149, 832, 845, 880,* 1194, 1240.

222....Makes appropriation to employee-management relations board for certain office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 149.

223....Makes certain appropriations to University and Community College System of Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 149, 1000, 1004, 1006, 1029, 1034,* 2045.

224....Makes appropriation to department of education for distribution to local school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 149, 1871, 1880, 1883, 1919,* 1921, 2112, 2126, 2134.

225....Makes appropriation to department of education for development and implementation of computer system for licensing of teachers and other educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 150, 1162, 1163, 1171, 1188, 1189,* 2092.

226....Makes appropriation to office of the attorney general for applying for federal grants concerning family violence. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 150, 1000, 1004, 1007, 1029, 1034, 1035,* 1580, 1672.

227....Makes appropriation to office of attorney general for certain office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 150, 895, 911, 938, 961, 965, 1001,* 1580, 1672.

228....Makes appropriations to governor's office for enhanced security system for governor's mansion and to director's office of state department of conservation and natural resources for costs to employ state climatologist. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 150, 1162, 1163, 1171, 1188, 1189,* 2112, 2135, 2136.

229....Makes appropriation to office of governor for computer equipment and software. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 150, 895, 911, 952,* 953, 1580, 1672.

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230....Makes appropriation to department of prisons for expenses related to opening of Lovelock correctional facility. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 150 523, 539, 553,* 689, 707.

231....Makes appropriation to division of wildlife of state department of conservation and natural resources for construction of airplane hangar at Minden airport. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 151, 1085, 1086, 1091, 1118,* 1580, 1672.

232....Makes appropriation to division of forestry of state department of conservation and natural resources for equipment and aircraft maintenance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 151, 1300, 1303, 1326, 1328,* 1334, 1580, 1672.

233....Makes appropriation to state department of conservation and natural resources for flat file for Nevada Tahoe regional planning agency to store maps. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 151, 499, 503, 519, 520,* 841, 874.

234....Makes appropriation to division of water planning of state department of conservation and natural resources for office equipment and computer hardware and software. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 151, 895, 911, 953, 1188, 1240.

235....Makes appropriation to division of conservation districts of state department of conservation and natural resources for replacement of office equipment and computer hardware and software. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 151, 499, 504, 520,* 841, 874.

236....Makes appropriation to division of parole and probation of department of motor vehicles and public safety for replacement and purchase of various equipment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 151, 152, 1162, 1163, 1171, 1188, 1189,* 1612, 1672.

237....Makes appropriation to Nevada commissioner for veteran affairs of department of motor vehicles and public safety for replacement of backhoe at Boulder City veterans' cemetery. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 152, 842, 859, 880,* 1243, 1280.

238....Makes appropriation to Nevada commissioner for veteran affairs of department of motor vehicles and public safety for improvements to veterans' cemeteries. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 152, 878, 900, 953,* 1243, 1280.

239....Makes appropriation to department of prisons for maintenance and minor construction projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 152, 856, 889, 920,* 1194, 1240.

240....Makes appropriation to bureau of alcohol and drug abuse in rehabilitation division of the department of employment, training and rehabilitation for equipment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 152, 842, 859, 880,* 1580, 1672.

241....Makes appropriation to commission on postsecondary education for computer hardware and software. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 152, 842, 859, 880,* 1243, 1280.

242....Makes appropriation to department of education for continuation of Nevada Business Plan for Education. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 153.

243....Makes appropriation to department of education for support of nonprofit public broadcasting stations in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 153, 856, 889, 920,* 2045.

244....Makes appropriation to department of business and industry for operating expenses of program to provide small businesses with access to financing not otherwise available. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 153, 842, 859, 900,* 901, 1243, 1280.

245....Makes appropriation to department of taxation for computer and office equipment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 153, 1325, 1337, 1348, 1444, 1448,* 1449, 1461, 1580, 1672.

246....Makes appropriation to motor pool division of department of administration for purchase of additional vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 153, 1162, 1177, 1184, 1188, 1190,* 1612, 1672.

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247....Makes appropriation to division of agriculture of department of business and industry for maintenance and repair of facilities leased by division of agriculture. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 153, 832, 846, 869,* 1243, 1280.

248....Makes appropriation to division of agriculture of department of business and industry for trucks and safety clothing and equipment for plant industry program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 153, 154, 832, 846, 881,* 1243, 1280.

249....Makes appropriation to division of agriculture of department of business and industry for veterinary medical services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 154, 832, 846, 869,* 1243, 1280.

250....Makes appropriation to state predatory animal and rodent committee for equipment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 154, 832, 846, 869,* 870, 1243, 1280.

251....Makes appropriation to Nevada junior livestock show board for gate panels to ensure safety of exhibitors, spectators and animals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 154, 832, 846, 870,* 1243, 1280.

252....Makes appropriation to office of state public defender of department of human resources for computer hardware and software. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 154, 1058, 1063, 1068, 1079, 1081,* 1580, 1672.

253....Makes appropriation to welfare division of department of human resources for safety and security equipment, computer equipment and vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 154, 1162, 1163, 1172, 1188, 1190,* 1612, 1672.

254....Makes appropriation to aging services division of department of human resources for equipment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 155, 842, 860, 881,* 1079, 1128.

255....Requires establishment of standardized system of information concerning juvenile justice and makes appropriation to division of child and family services of department of human resources for state automated child welfare information system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 155, 1000, 1004, 1007, 1029, 1030, 1156, 1157, 1158, 1160, 1190,* 1932, 2016, 2017.

256....Revises provisions relating to protection of children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Manendo, Buckley, Perkins, de Braga, Goldwater, Segerblom, Giunchigliani, Price, Spitler, Ohrenschall, Freeman, Neighbors, Evans, Dini, Schneider, Ernaut, Williams, Bennett, Harrington, Nolan, Arberry, Monaghan, Tripple, Chowning, Batten, Bache, Lambert, Anderson, Allard, Close, Humke, Krenzer, Stroth, Sandoval, Brower, Tiffany, Marvel, Hettrick, Fettic, Steel, Carpenter and Braunlin. 155, 291, 312, 499, 504,* 505, 1296, 1535, 1536, 1577, 1728, 1729.

257....Directs issuance of Nevada Silver Gaming Tokens. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Dini, Neighbors, Price, Schneider, Ohrenschall, Arberry, Williams, Krenzer, Bache, de Braga, Segerblom, Marvel, Goldwater, Ernaut, Perkins, Hettrick, Humke, Chowning and Carpenter. 156.

258....Provides for issuance of special license plates to retired military persons for support of veterans' cemeteries in Nevada under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Arberry, Dini, Bache, Krenzer, Williams, Price, Buckley, de Braga, Marvel, Tiffany, Hettrick, Evans, Fettic, Chowning, Close, Giunchigliani, Manendo, Brower, Nolan, Humke, Ernaut, Anderson, Neighbors, Carpenter, Segerblom, Steel, Braunlin, Schneider, Harrington, Sandoval, Stroth, Freeman and Batten. 169, 669, 670, 1085, 1086, 1091, 1118, 1119,* 1872, 1910, 2002.

259....Increases number of justices of Nevada supreme court and authorizes use of panels. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Price, Segerblom, Evans, Chowning, Brower and Spitler. 169, 559, 594, 595, 905, 913, 919, 953,* 955.

260....Requires good cause for termination of employment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Price, Williams, Giunchigliani, Chowning, Anderson, Bache, Segerblom, Freeman, Goldwater, Neighbors, de Braga, Arberry and Evans. 169, 170.

261....Revises provisions relating to performance of certain tasks by dental hygienists. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 170, 273, 282, 306, 855, 905, 922.

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262....Provides limitation on rules and regulations governing use of public spas by children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom, Harrington, Spitler, Williams, Nolan, Close, de Braga, Neighbors, Bache, Braunlin, Ohrenschall, Goldwater, Stroth, Schneider, Sandoval, Steel, Buckley, Giunchigliani and Ernaut. 180, 285, 299, 318, 325,* 542, 557.

263....Authorizes issuance of revenue bonds for improvement of student union building at University of Nevada, Reno. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 180, 499, 504, 520,* 841, 874.

264....Increases limitation on amount of damages recoverable in certain tort actions. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 184.

265....Requires state board of education to establish standards of instruction for pupils in public schools concerning abuse of children, human sexuality and acquired immune deficiency syndrome. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 184.

266....Requires state emergency response commission to impose reporting fee and places limitation on total amount of fees person is required to pay annually to state emergency response commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 185, 908, 909, 915, 917, 1028, 1059, 1062,* 1064, 1243, 1280.

267....Revises various provisions relating to land use planning. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 185, 604, 623, 645,* 855, 893.

268....Establishes restrictions for depositing and disbursing money deposited in escrow. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Perkins (by request). 185.

269....Directs department of transportation to construct or cause to be constructed sound barriers alongside U.S Highway No. 395 in Reno. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Freeman (by request). 185.

270....Makes appropriation to department of transportation for construction of highway between Patrick interchange of Interstate Highway No. 80 and Storey County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 185, 1871, 1880, 1884, 1919, 1920,* 1921, 2045.

271....Makes appropriation to account for local cultural activities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 186, 1871, 1878, 1879,* 1880, 2045.

272....Revises provisions governing payment and distribution of tax on net proceeds of minerals. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Marvel, Carpenter and Neighbors. 186, 285, 299, 318, 325, 326,* 489, 505, 520.

273....Revises provisions governing candidacy for party nominations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Steel, Close, Schneider, Bennett, Harrington, Manendo, Segerblom, Lambert, Giunchigliani, Goldwater, Buckley, Chowning, Humke, Sandoval, Perkins, Freeman, Price, Ohrenschall, Anderson, Brower, Fettic, Braunlin, Tiffany, Nolan, Ernaut, Batten, Allard, Monaghan, Carpenter, Marvel, Stroth, Spitler, de Braga, Tripple, Neighbors, Evans, Williams, Hettrick, Bache, Krenzer, Dini and Arberry. 186, 279, 288, 306, 604, 632.

274....Provides method for determining leadership in either assembly or senate in event of evenly divided membership between two political parties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Steel, Stroth, Bennett, Close, Monaghan, Harrington, Segerblom, Lambert, Chowning, Humke, Price, Ohrenschall, Anderson, Brower, Fettic, Tiffany, Ernaut, Nolan, Batten, Allard, Sandoval, Carpenter, Marvel, Spitler, Tripple, Neighbors, Hettrick, Williams and Braunlin. 186.

275....Makes appropriation to department of education for distribution to county school districts for reimbursement of expenses related to transient pupils. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Bache. 190.

276....Prohibits public utility which furnishes telephone service from terminating access to 911 emergency telephone number or other emergency telephone service after service is terminated for nonpayment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry, Williams, Giunchigliani, Ernaut, Perkins, Marvel, Stroth, Close, Allard, Humke, Chowning, Batten, Dini, Evans, Tiffany, Buckley, Nolan, Harrington, de Braga, Neighbors, Carpenter, Goldwater, Freeman, Price, Sandoval, Anderson, Monaghan, Manendo, Lambert, Tripple and Brower. 191.

277....Authorizes residential confinement as punishment for certain convictions of driving while license is suspended, revoked or restricted. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 195, 509, 532, 549,* 987, 1057.

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278....Revises provisions regarding granting leaves of absence without pay to certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 196, 414, 433, 446, 447,*.

279....Revises provisions governing requests for legislative measures. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Close, Anderson, Spitler, Arberry, Marvel, Fettic, Allard, Hettrick, Brower, Chowning, Price, Segerblom, Giunchigliani, Evans, Ernaut, Krenzer, Lambert, Monaghan, Stroth, Carpenter, Nolan, Steel, Goldwater, Manendo, Tiffany, Sandoval, Neighbors, Bennett, Ohrenschall, Batten, Harrington, Humke, Dini, Bache, Tripple and Williams. 196, 970, 987, 1029, 1035,* 1709, 1711, 1718, 1830, 1831, 2019, 2023, 2092.

280....Makes various changes to provisions governing notaries public. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 196, 535, 546, 569,* 855, 893.

281....Requires super majority vote of governing body of municipality for issuance of certain general obligations without election. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Lambert, Ernaut, Freeman, Hettrick, Humke, Bache, Neighbors, Manendo, Allard, Evans, Anderson, Bennett, Close and Brower. 196, 279, 288, 312,* 971, 980, 1026, 2009.

282....Authorizes preference for underutilized businesses in public works and in state and local government purchasing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Arberry, Williams, Price, Chowning, Batten, Evans, Krenzer and Segerblom. 197, 1778, 1789, 1809, 1815, 1960, 2007,*.

283....Requires school districts to submit annual report to superintendent of public instruction concerning recruitment of new teachers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Williams, Arberry, Krenzer, Bache, Price, Steel, Segerblom, Carpenter, Neighbors, Anderson, Chowning, Manendo, Giunchigliani and Lambert. 197, 505, 518, 526,*.

284....Prohibits employer from requiring employee to share tips or gratuities with certain other employees. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Buckley, Giunchigliani, Segerblom, Freeman, Sandoval, Anderson, Humke, Chowning, Manendo, Price, Steel, de Braga, Perkins, Evans, Bache, Ohrenschall, Goldwater, Allard and Williams. 197, 809, 821, 850,*.

285....Revises provisions governing support of airports by county fair and recreation boards in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom, Buckley, Chowning, Manendo, Giunchigliani, Bache, Batten, Sandoval, Goldwater, Fettic, Schneider, Neighbors, de Braga, Williams, Dini, Perkins, Anderson, Arberry, Evans, Krenzer and Spitler. 202, 330, 344, 386,* 710, 736.

286....Revises provisions governing contents of notice for proposed administrative regulations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Appropriation. Lambert, Humke, Price, Tiffany, Sandoval, Marvel, Manendo, Brower, Bache, Anderson, Neighbors, Allard, Bennett, Ernaut, Evans, Close, Monaghan, Batten, Stroth, Fettic, Carpenter, Tripple, Harrington, Steel, Hettrick, Nolan, Segerblom, Williams, Perkins and Giunchigliani. 202, 315, 327, 337,* 877, 952, 969.

287....Removes prohibitions against individual water meters in mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 209, 1260, 1274, 1275, 1282, 1283, 1284,* 1612, 1672.

288....Makes various changes affecting state board of parole commissioners. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 209, 1155, 1163, 1172, 1176, 1177, 1708, 1755, 1763, 1782, 1784, 1789, 1829,* 2092, 2106, 2107.

289....Authorizes issuance of special license plates and registration certificates for "classic vehicles." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Close, Manendo, Giunchigliani, Lambert, Monaghan, Allard, Brower, Stroth, Hettrick, Ernaut, Harrington, Nolan, Buckley, Chowning, Arberry, Price, Krenzer, Marvel, Sandoval and Goldwater. 209, 739, 755, 805,* 1483, 1535, 1577.

290....Requires adoption of regulations specifying course work required for renewal by teacher of endorsement in field of specialization. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Tiffany, Lambert, Fettic, Close, Brower, Manendo, Marvel, Hettrick, Batten, Segerblom, Tripple, Harrington, Stroth, Allard, Ernaut and Sandoval. 209, 1336, 1337, 1404, 1444, 1449, 1454,*.

291....Authorizes issuance of conditional license to teach to person with college degree. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Tiffany, Lambert, Manendo, Close, Brower, Fettic, Marvel, Hettrick, Batten, Tripple, Harrington, Stroth, Allard, Ernaut and Sandoval. 210, 1336, 1337, 1404, 1444, 1454, 1457,*.

292....Provides for disposition of certain pension or retirement benefits upon dissolution of marriage. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 218, 1447, 1461, 1466, 1483, 1487,* 1492, 2045, 2085.

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293....Removes references to county jail in penalty related to domestic violence. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 218, 436, 459, 473, 474,* 1660, 1706.

294....Increases number of members of Reno civil service commission. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 218, 330, 344, 386,* 710, 736.

295....Revises certain limitations on investment of state money. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 218, 219, 315, 327, 333, 337,* 841, 874.

296....Revises provisions governing fees collected for issuance or renewal of licenses for teachers and other educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 219, 402, 409, 560, 595, 626,* 841, 874.

297....Authorizes juvenile court to order parent or guardian of juvenile delinquent to participate in counseling and to pay fines and penalties for delinquent act of child under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Goldwater, Perkins and Anderson. 219, 559, 595, 626,* 1194, 1254, 1255, 1280, 1794, 1894.

298....Revises provisions governing licensing and regulation of professional engineers and land surveyors. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 219, 285, 305, 312,* 313, 489, 505.

299....Regulates provision of health insurance for small enterprises. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 219, 1024, 1039, 1045, 1053, 1059, 1063,* 1064, 1483, 1609, 1672, 1689, 1672, 1689.

300....Revises provisions concerning drug paraphernalia. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 219, 220.

301....Prohibits public employer from providing self-insurance against liability for industrial injuries and occupational diseases. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 224.

302....Makes best interests of child determining factor in cases concerning termination of parental rights. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke, Anderson, Sandoval, Perkins, Steel, Ohrenschall, Monaghan, Manendo, Goldwater, Schneider, Carpenter, Buckley, Stroth, Chowning, Hettrick, Ernaut, Marvel, Arberry and Freeman. 224, 681, 696, 725,* 908, 955.

303....Requires state board of education to adopt program to provide pupils with skills to make transition from school to work. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Evans, Dini, Anderson, Carpenter, Spitler, Marvel, Hettrick, Arberry, de Braga, Neighbors, Price, Perkins, Sandoval, Buckley, Humke, Chowning, Segerblom, Krenzer, Freeman, Ohrenschall, Manendo, Giunchigliani, Goldwater, Bache, Schneider, Lambert, Williams, Tiffany, Allard and Brower. 224, 845, 860, 901,* 2144, 2148.

304....Makes appropriation to state public works board for construction of veterans' home in southern Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Manendo, Ohrenschall, Segerblom, Bache, Krenzer, Freeman, Dini, Chowning, Spitler, Monaghan, Close, Nolan, Batten, Buckley, Perkins, Williams, Anderson, de Braga, Steel, Humke, Allard, Ernaut, Hettrick, Price, Schneider, Braunlin, Neighbors and Fettic. 224.

305....Revises provisions governing liability for certain persons in connection with donated food and other grocery products. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. de Braga, Segerblom, Perkins, Sandoval, Batten, Manendo, Evans, Bache, Neighbors, Chowning and Ohrenschall. 225, 436, 459, 474,* 987, 1057.

306....Exempts irrigation pipe and center-pivots from property tax. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Dini, de Braga, Neighbors, Carpenter and Marvel. 225, 285, 305, 313,* 783, 837, 838, 852.

307....Makes various changes regarding state department of conservation and natural resources. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Humke, Spitler, Manendo, Bennett, Allard, Carpenter, Sandoval, Nolan, Goldwater, Monaghan, Chowning, Anderson, Giunchigliani, Schneider, Price, Krenzer, Perkins, Stroth, Tiffany, Marvel, Fettic, Ohrenschall, Neighbors, Hettrick and Lambert. 225, 828, 844, 869, 871, 984, 1001,* 1498, 1609, 1697, 1945, 1946, 1980.

308....Authorizes dissemination of records of criminal history to certain agencies which provide protective services to children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 225, 559, 596, 833, 850,* 1194, 1240.

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309....Revises provision governing requirements for early retirement of police officers. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 228.

310....Makes appropriation to aging services division of department of human resources for production, publication and distribution of pamphlet of transportation services for aged and disabled persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Goldwater, Evans, Buckley, Manendo, Ohrenschall, Sandoval, de Braga, Bennett, Nolan, Krenzer, Steel, Brower, Carpenter, Schneider, Monaghan, Batten, Anderson, Segerblom, Neighbors, Fettic, Braunlin, Perkins, Bache, Giunchigliani, Freeman, Spitler and Williams. 228, 1447, 1461, 1468, 1483, 1488,* 1492, 1772, 1868.

311....Requires department of motor vehicles and public safety to issue license plates for support of child care services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Freeman, Goldwater, de Braga, Ohrenschall, Spitler, Schneider, Monaghan, Ernaut, Perkins and Dini. 229.

312....Expands provisions regarding requests by certain employers for information regarding history of prior sexual offenses of employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Nolan, de Braga, Segerblom, Stroth, Batten, Sandoval, Ohrenschall, Bennett, Braunlin, Goldwater, Monaghan, Schneider, Anderson, Manendo, Steel, Buckley, Neighbors, Perkins, Williams and Ernaut. 229.

313....Revises limitation on liability for injuries to persons who enter or use premises of another for recreational purposes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Carpenter, de Braga, Ernaut, Hettrick and Neighbors. 229, 559, 597, 626,* 1483, 1537, 1538, 1577.

314....Requires constables to be elected in all townships. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Manendo, Bache, Stroth, Schneider, Steel, Sandoval, Harrington, Allard, Chowning, Goldwater, Carpenter, Anderson, Nolan, Brower, Tiffany, Giunchigliani, Segerblom, Fettic, Price, Hettrick, Marvel, Arberry, Close and Williams. 229.

315....Makes supplemental appropriation to School of Medical Sciences of the University and Community College System of Nevada for certain unforeseen expenses relating to Family Practice Residency Program and Family Medicine Center. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 230, 924, 960, 976,* 977, 1155, 1206.

316....Increases maximum amount of annual fee which may be imposed on each lot in mobile home park. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 230, 842, 861, 881,* 1612, 1672.

317....Makes various changes related to juvenile courts, sentencing, crimes and punishments. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 234, 645, 656, 1085, 1086, 1107, 1108, 1118, 1119,* 1772, 1790, 1803, 1807, 1808, 1929.

318....Increases amount of administrative assessments for misdemeanors to cover cost of detention facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 235.

319....Provides for appointment of public defender in juvenile delinquency cases. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 235, 827, 846, 984, 1001,* 1483, 1614, 1672.

320....Authorizes sheriff or officer in charge to refuse to receive into custody arrested persons under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 235.

321....Prohibits commercial resident agent from engaging in certain activities without obtaining license from secretary of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Anderson, Spitler, Bache, Price, Goldwater, Segerblom, Ohrenschall, Freeman, Schneider, Krenzer, Giunchigliani, Buckley, Manendo, Perkins and Monaghan. 235.

322....Makes various changes regarding safety of certain amusement rides. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson, Bache, Price, Goldwater, Segerblom, Ohrenschall, Freeman, Krenzer, Schneider, Giunchigliani, Buckley, Manendo, Perkins, Steel, Stroth, Monaghan and Humke. 235.

323....Allows local law enforcement agency to issue emergency temporary order for protection against domestic violence under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Anderson, Bache, Price, Goldwater, Segerblom, Ohrenschall, Nolan, Freeman, Schneider, Krenzer, Sandoval, Giunchigliani, Allard, Buckley, Carpenter, Manendo, Perkins, Steel, Stroth, Monaghan and Humke. 236.

324....Allows disclosure of certain information concerning child who is charged with committing certain delinquent acts and requires related proceedings to be open to public. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 239.

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325....Makes supplemental appropriation to department of prisons for unexpected increase in incarcerated offenders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 239, 240, 409, 411, 416, 427,* 489, 505.

326....Makes appropriation for establishment and maintenance of branch office of department of motor vehicles and public safety in Laughlin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Segerblom, Anderson, Schneider, Giunchigliani, Krenzer, Nolan, Spitler, Chowning, Williams, Ohrenschall, Neighbors, Perkins, Dini, de Braga, Sandoval, Buckley, Carpenter, Arberry, Manendo, Bache, Fettic and Batten. 240, 1868, 1874, 1939, 1941,* 1942, 2144.

327....Authorizes leave of absence for certain public officers and employees to assist American National Red Cross during certain disasters. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Lambert (by request). 240, 501, 518, 526,* 527, 855, 893.

328....Provides periods of open enrollment during which certain retired public employees may join state's program of group insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Dini, Evans, Perkins, Bache, Buckley, Price, de Braga, Neighbors, Carpenter, Segerblom, Arberry, Ohrenschall, Manendo, Freeman, Williams, Ernaut, Fettic, Marvel, Tripple, Monaghan, Lambert, Giunchigliani, Close, Nolan, Bennett, Goldwater, Steel, Schneider, Harrington, Stroth, Allard, Anderson, Humke, Chowning, Batten, Spitler, Sandoval, Tiffany, Brower and Braunlin. 240, 907, 940, 976,* 977, 2092.

329....Requires board of psychological examiners to issue licenses under certain circumstances to certain persons employed by State of Nevada as psychologists. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Giunchigliani. 240, 689, 703, 734,*.

330....Makes various changes related to billing provided to patients of hospitals and extends date for prospective expiration of provisions that limit increase in charges that major hospitals may impose. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 249, 409, 427, 431, 447, 448,* 1772, 1905, 1906, 2002.

331....Makes various changes relating to investigation of insurance fraud. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Dini and Spitler. 249, 1709, 1741, 1745, 1932, 2007, 2108,* 2160.

332....Creates Ponderosa County. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Ernaut (by request). 253.

333....Revises provisions relating to privilege tax imposed on vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 253, 841, 861, 901,* 1326, 1480.

334....Clarifies authority of public service commission of Nevada to revoke or suspend certificate of public convenience and necessity of common motor carrier for failure to comply with certain laws or regulations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 254, 971, 991, 1033,* 1034, 1612, 1672.

335....Repeals authority of public service commission of Nevada to regulate for licensing purposes private motor carriers of property when used for private commercial enterprises. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 254.

336....Expands and clarifies authority of municipality to acquire property for municipal airport. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 254, 739, 756, 805, 809, 814,* 1612, 1672.

337....Revises provisions requiring affidavit for business license. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 254, 330, 344, 386,* 489, 505.

338....Removes certain restrictions governing disposition of certain fees imposed by justices' courts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 254, 408, 427, 616, 636, 645,* 1612, 1672.

339....Revises provisions governing good time credits and eligibility for parole for certain offenders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Bache, Buckley, Anderson, Lambert, Spitler, Humke, Chowning, Giunchigliani, Sandoval, Perkins, Manendo, Ernaut, Evans, Dini, Hettrick, Neighbors, Freeman, Price, Ohrenschall, Carpenter, Goldwater, Schneider, Segerblom, de Braga, Braunlin, Krenzer, Close, Marvel and Tiffany. 255.

340....Authorizes certain private schools to obtain payments from county school districts for educating certain pupils. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Harrington, Nolan, Lambert, Monaghan, Bennett, Stroth, Tiffany, Hettrick, Carpenter, Close, Fettic, Allard and Tripple. 260.

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341....Makes various changes concerning group insurance coverage of trustees of school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 260, 700, 712, 747, 748, 769, 786, 806, 811,* 1660, 1706.

342....Prohibits consideration of unobligated money of school district as revenue source in preparation of state budget. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Spitler. 260.

343....Revises provisions governing certain conduct of developers of subdivided land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 260, 552, 565, 600, 828, 837, 870,* 1194, 1240.

344....Revises provisions governing regulation of real estate licensees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 261, 552, 565, 600,* 841, 874.

345....Revises provisions governing term of office of municipal judge of City of Henderson. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 261, 1187, 1193, 1200, 1201, 1260, 1283,* 1284.

346....Authorizes state industrial insurance system to certify qualifications of persons with disabilities for certain state employment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 261, 342, 387, 395, *.

347....Makes appropriation to Lied Discovery Children's Museum for support of programs designed to assist children who are at risk of becoming delinquent. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 261.

348....Makes appropriation to City of North Las Vegas for costs of relocating residents of Windsor Park whose homes are sinking. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 261.

349....Makes appropriation to state public works board for architectural design of new legislative building in Clark County. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 262.

350....Revises provisions governing use of taxes levied for capital projects of school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 262.

351....Makes appropriation to City of Las Vegas for California-Nevada Super Speed Ground Transportation Commission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 262, 1871, 1878, 1879,* 1880, 2045.

352....Authorizes establishment of program for issuance of certificates of registration for new vehicles sold by new vehicle dealer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Steel, Schneider, Manendo, Goldwater, Brower, Spitler, Close, Batten, Braunlin, Ohrenschall, Segerblom, Allard, Carpenter, Bennett, de Braga, Monaghan, Krenzer, Buckley, Nolan, Sandoval, Tripple, Bache, Lambert, Humke, Stroth, Perkins, Anderson, Harrington, Ernaut, Fettic, Arberry, Price, Marvel, Giunchigliani, Evans, Chowning and Freeman. 267, 554, 566, 612,* 1872, 1910, 1911, 1989, 2002, 2155.

353....Increases penalty for commission of assault or battery against emergency medical technician. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Nolan, Segerblom, de Braga, Bennett, Freeman, Neighbors, Bache, Lambert, Braunlin, Tripple, Ernaut, Krenzer, Chowning, Sandoval, Humke, Batten, Brower, Manendo, Carpenter, Goldwater, Schneider, Steel, Stroth, Perkins and Anderson. 267.

354....Authorizes director of department of personnel to adopt certain regulations regarding noncompetitive appointments of employees with certain disabilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 267, 414, 433, 447,* 1079, 1128.

355....Provides in skeleton form for limitation on authority to levy property taxes for support of certain districts with single or limited purposes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 267.

356....Revises provisions governing issuance of municipal obligations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 267, 752, 767, 811,* 1966, 2008, 2011.

357....Defines "veteran" for purposes of provisions governing preference points for veterans in competitive examinations for state employment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 268, 342, 387, 395,* 841, 874.

358....Repeals provisions authorizing general improvement district to furnish facilities for public schools. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 268, 509, 533, 536,* 855, 893.

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359....Makes various changes regarding creation of certain taxing districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 268.

360....Requires evaluation of psychological impairment of certain injured employees to calculate entitlement to compensation for permanent partial disability. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Goldwater. 268.

361....Clarifies that Indian children are exempt from application of certain provisions governing child custody, adoption, termination of parental rights and placement in foster care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Sandoval, Anderson, Humke and Buckley. 268, 735, 740, 842, 870,* 1209, 1243, 1244, 1249, 1264, 1268,* 1269, 1281, 1323, 1797.

362....Provides for certification to establish content of trust. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 273, 509, 533, 549, 550,* 908, 955.

363....Revises provisions governing number of justices of the peace in townships. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 273, 1544, 1545, 1564, 1580, 1581,* 1582, 2112.

364....Authorizes administrative assessment for misdemeanors to cover costs of providing court facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 273, 1029, 1039, 1053, 1057, 1214, 1215, 1446, 1463, 1483, 1488,* 1492, 1660, 1706, 1736.

365....Makes various changes relating to elections. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Spitler. 274, 739, 756, 805,* 806.

366....Requires creation of policies and procedures on teaching of American Sign Language. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Spitler. 274, 581, 608, 637,* 783, 816.

367....Requires boards of health to avoid conflicts with statutory provisions governing general improvement districts when adopting regulations concerning disposal of sewage. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 280, 738, 757, 806, 823,* 1540, 1570, 1571, 1830, 1838, 1928, 1943.

368....Revises provisions governing probationary period of administrators and teachers employed by county school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 280, 554, 567, 828, 832, 841, 849, 880, 938, 955,* 1188, 1240.

369....Authorizes governing body to direct hearing examiner to take final action on matters relating to variances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 280, 808, 821, 850,* 851, 1243, 1280.

370....Revises provisions governing alternative procedure for creation of local improvement district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 280, 509, 533, 536,* 1966, 2012, 2013.

371....Authorizes candidate to file declaration that he will not serve in office if elected. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Effect less than $2,000. Nolan, Giunchigliani, Ohrenschall, Price, Sandoval, Manendo, Stroth, Allard, Buckley, Braunlin, Monaghan, Harrington, Humke, Evans, Marvel, Close, Lambert, Perkins, Goldwater, Anderson, Schneider and Steel. 281.

372....Revises provisions governing residency requirements for candidacy for and retention of public office. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Steel, Price, Schneider, Stroth, Krenzer, Braunlin, Manendo, Ohrenschall, Brower, Harrington, Bennett, Sandoval, Fettic, Freeman, Monaghan, Spitler, Evans, de Braga, Carpenter, Allard, Tiffany, Nolan, Tripple, Chowning, Batten, Segerblom, Lambert, Perkins, Buckley, Anderson, Goldwater, Humke, Williams, Marvel, Close, Giunchigliani, Hettrick, Dini, Neighbors, Arberry, Bache and Ernaut. 283, 1287, 1289, 1298, 1299,*.

373....Proposes to exempt from taxes on retail sales orthotic appliances and ambulatory casts, other supports and casts if prescribed or applied by licensed provider of health care, and splints, bandages, pads, compresses and dressings prescribed, furnished or sold under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Sandoval, Price and Brower. 286, 680, 697, 1187, 1223,* 1660, 1706.

374....Creates crime of placing graffiti on or otherwise defacing property and provides various penalties. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Steel, Stroth, Ohrenschall, Monaghan, Manendo, Carpenter, Anderson, Humke, Schneider, Braunlin, Bennett, Fettic, Harrington, Ernaut, Giunchigliani, Allard, Hettrick, Price, Krenzer, Marvel, Freeman, Tiffany, Bache, Batten, Williams, Goldwater, Close, Segerblom, Sandoval, Nolan, de Braga, Spitler, Lambert, Tripple, Evans, Neighbors, Arberry, Brower, Perkins, Dini, Chowning and Buckley. 286, 633, 649, 671,* 1155, 1256, 1280, 1670, 1799, 1896, 2078, 2080.

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375....Revises dates upon which certain property taxes are due and time within which notice of delinquency must be given. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Carpenter. 286, 986, 1004, 1010, 1029, 1035,*.

376....Makes various changes relating to education. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Bache, Williams, de Braga, Evans and Price. 286.

377....Exempts certain charitable organizations from responsibility of paying business tax on behalf of certain persons who participate in trade show or convention. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter, Sandoval, Schneider, Buckley, Fettic, Segerblom, Neighbors, Lambert, de Braga, Evans, Braunlin, Steel, Harrington and Nolan. 287, 1579, 1586, 1588, 1621, 1656,* 1932, 1979.

378....Makes various changes to provisions relating to domestic violence. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Giunchigliani, Evans, Bache, Spitler, Buckley, Anderson, Manendo, Arberry, Fettic, Hettrick, Chowning, Close, Price, Tiffany, Dini, Sandoval, Freeman, Tripple, Perkins, Nolan, Krenzer, Williams, Ohrenschall, Lambert, Monaghan, Harrington, Schneider, Steel, de Braga, Neighbors, Segerblom and Goldwater. 287, 1295, 1300, 1304, 1326, 1328,* 1334, 1612, 1672, 1723.

379....Increases amount of longevity payments to state employees and requires state agencies to pay fees for issuance of certain licenses required of certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 292, 752, 767, 768.

380....Requires that portion of electrical generating capacity of certain utilities be provided by use of renewable energy resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 292.

381....Provides for use by state agencies of money attributable to energy savings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 292, 958, 972, 1000, 1003,* 1194, 1240.

382....Makes various changes to provisions governing local improvement districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 292, 653, 676, 693,* 1188, 1240.

383....Requires security for payment of wages of all persons employed in productions in entertainment industry. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Perkins (by request). 292, 560, 597, 626, 627,* 1660, 1711, 1868.

384....Revises manner in which premiums for industrial insurance are determined for employment designated as construction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Perkins (by request). 293.

385....Makes various changes relating to crimes and criminal gangs. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Close, Steel, Sandoval, Humke, Lambert, Batten, Bennett, Spitler, Tiffany, Marvel, Fettic, Anderson, Manendo, Monaghan and Nolan. 293, 1295, 1300, 1306, 1326, 1328, 1331, 1332,* 1334, 1772, 1840, 1929.

386....Provides for confidentiality of documents submitted to organizations for economic development formed by cities or counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Evans, Dini, de Braga, Neighbors, Carpenter, Segerblom, Steel, Schneider, Tiffany, Ernaut, Sandoval, Manendo, Arberry, Freeman and Stroth. 293, 908, 938, 1264, 1324, 1337, 1348, 1445,* 1461, 2092.

387....Makes various changes concerning sale, lease or exchange of state land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 294, 445, 459, 483, 490, 498,* 574, 614.

388....Revises provisions regarding governor's advisory council on education relating to the Holocaust. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 294, 1932, 1969, 1981, 2005, 2008,* 2144.

389....Revises provisions governing payment of certain expenses of offender incarcerated in state prison. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 294, 856, 889, 920, 1194, 1240.

390....Entitles classified state employees to receipt of retention bonus. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 294, 295.

391....Makes supplemental appropriation to division of child and family services of department of human resources for increase in cost of utilities at Caliente youth center. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 295, 416, 433, 464,* 552, 570.

392....Increases salaries of classified state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 295.

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393....Makes various changes related to possession of firearms by children and increases penalty for sale of certain firearms to children. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Dini, Perkins, Steel, Anderson, Hettrick, Bache, Evans, de Braga, Neighbors, Segerblom, Carpenter, Schneider, Harrington, Williams, Price, Ernaut, Stroth, Humke, Chowning, Batten, Spitler, Buckley, Sandoval, Tiffany, Tripple, Manendo, Monaghan, Lambert, Giunchigliani, Close, Marvel, Arberry, Krenzer, Nolan, Freeman, Ohrenschall, Bennett, Goldwater, Fettic, Allard, Braunlin and Brower. 295, 559, 597, 627,* 1872, 1891, 1897, 1898, 2002, 2079, 2080, 2081, 2082, 2083.

394....Increases discount allowed to cigarette dealers for service of placing revenue stamps on cigarette packages. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Dini (by request). 310.

395....Creates rebuttable presumption that upon dissolution of marriage, sole or joint custody of child by perpetrator of domestic violence or by former spouse convicted of sexual assault is not in best interest of child. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Batten. 310, 681, 697, 725,* 1029, 1076, 1077, 1110.

396....Restricts granting of probation to persons convicted of certain sexual offenses involving children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Sandoval, Goldwater, Manendo, Nolan, Humke, Buckley, Carpenter, de Braga, Freeman, Monaghan, Bennett, Marvel, Neighbors, Ernaut, Lambert, Anderson, Krenzer, Hettrick, Steel, Perkins, Ohrenschall, Stroth, Tiffany, Evans, Close, Allard, Harrington, Giunchigliani, Braunlin, Tripple, Fettic, Segerblom, Williams, Price, Schneider, Bache, Batten, Chowning, Spitler, Arberry, Brower and Dini. 310, 633, 650, 671,* 971, 1024, 1026, 1108, 1150.

397....Requires that certain motor vehicles purchased or leased by or on behalf of State of Nevada meet or exceed average fuel economy standards established by Federal Government. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 310, 971, 991, 1029, 1035,*.

398....Provides district courts with jurisdiction over actions relating to disputes involving title to or ownership of water rights. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. de Braga, Segerblom, Manendo, Neighbors, Carpenter, Giunchigliani, Chowning, Spitler and Hettrick. 310, 855, 856, 867, 868, 1872, 1882, 1890, 1914.

399....Revises provisions relating to state contractors' board. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Giunchigliani, Arberry, Spitler, Chowning, Close, Price, Tiffany, Fettic, Dini, Allard, Bache, Manendo, Tripple, Anderson, Stroth, Ernaut, Perkins, Williams, Schneider, Braunlin, Goldwater, Ohrenschall, Steel, Neighbors, de Braga, Krenzer, Freeman, Segerblom, Buckley and Evans. 313, 1296, 1300, 1307, 1326, 1332,* 1334, 1612, 1672.

400....Authorizes grants of money to certain community centers for training retarded persons to assist in payment of prospective administrative and operational expenses. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 316.

401....Requires charges for public records to be reasonable. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 316.

402....Establishes procedure for inspection of public records. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 316.

403....Revises definition of "allocable local revenues" for purposes of provisions governing issuance of state securities to acquire revenue securities issued by municipality. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 316, 653, 676, 683, 684,* 1188, 1240.

404....Makes various changes regarding financial disclosure by public officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 316, 317, 1208, 1223, 1227, 1243, 1246, 1247,* 1249, 2112.

405....Revises provisions prohibiting sexual exploitation of children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Close, Steel, Braunlin, Arberry, Ernaut, Manendo, Sandoval, Stroth, Humke, Lambert, Batten, Chowning, Harrington, Nolan, Bennett, Goldwater, Spitler, Tiffany, Marvel, Fettic, Allard, Ohrenschall, Brower, Anderson, Tripple and Bache. 322, 1085, 1086, 1091, 1118, 1119,* 1580, 1614, 1672, 1650, 1725.

406....Makes contingent appropriation to Clark County for improvements to fairgrounds for Clark County fair. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Allard, Nolan, Bennett, Manendo, Steel, Anderson, Sandoval, Carpenter, Ohrenschall, Segerblom, Giunchigliani, Ernaut, Marvel, Arberry, Tiffany, Evans, Price, Hettrick, Perkins, Close, Chowning, Harrington, Spitler and Fettic. 322, 1871, 1878, 1879,* 1880, 2045.

407....Makes various changes concerning state treasurer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 322, 738, 758, 806, 811, 812,* 1612, 1672.

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408....Directs legislative commission to conduct interim study of statutes governing disclosure of public records. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 322, 1778, 1789, 1815, 1816.

409....Revises provisions governing state grazing boards. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 322, 633, 650, 671,* 877, 905.

410....Revises provisions regarding filing fee for divorce. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Williams, Arberry, Anderson, Freeman, Manendo, Bache, Buckley, de Braga, Krenzer, Segerblom, Perkins, Chowning and Schneider. 323, 828, 846, 870,* 1709, 1868.

411....Establishes account to indemnify students enrolled in licensed private postsecondary educational institutions that discontinue service or violate certain laws. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Buckley, Anderson, Spitler, Bache, Segerblom, Dini, Perkins, Williams, Krenzer, Freeman, Ohrenschall, Goldwater, Arberry, Sandoval, Ernaut, Price, Chowning, Manendo, de Braga, Neighbors, Evans, Braunlin, Stroth, Carpenter and Tripple. 323, 702, 716, 749, 750, 786, 806, 812,* 1131, 1185.

412....Revises provisions governing contests of elections of certain state officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Buckley, Anderson, Giunchigliani, Evans, Spitler, Manendo, Segerblom, Bache, Dini, Williams, Perkins, Freeman, Ohrenschall, Krenzer, Goldwater, Arberry, Sandoval, Ernaut, Price, Schneider, Steel, Close, Monaghan, Lambert, Fettic, Stroth and Carpenter. 323, 501, 518, 527,* 1881, 2002.

413....Authorizes local governments and department of transportation to establish toll roads and toll bridges upon approval of voters. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 331, 1000, 1004, 1012, 1029, 1035, 1036, 1296, 1300, 1321, 1326, 1327, 1445, 1462, 1483, 1488,* 1492.

414....Requires school district to take certain actions to reduce combined tax rate of another local government under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 331, 1058, 1063, 1068, 1079, 1081,* 1660, 1706.

415....Revises provisions relating to imposition and collection of tax on special fuel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 331, 1208, 1223, 1228, 1243, 1247,* 1249, 2045.

416....Revises provisions for tax assessment and depreciation of sites designated as historic. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 331.

417....Increases fees charged by county sheriff. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 331.

418....Revises provisions governing distribution of supplemental city-county relief tax to exclude certain districts. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 332.

419....Revises provisions governing disposition of money collected from fee imposed on short-term leases of passenger cars. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 332, 702, 703.

420....Revises provisions relating to fees for registration of certain motor vehicles and imposes additional tax on special fuel used by certain special fuel users. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 332.

421....Revises provisions relating to taxation of special fuels. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 332, 818, 830, 856, 1741, 1755, 1766, 1782, 1784, 1785,* 1790.

422....Designates portion of state highway as "The Extraterrestrial Alien Highway." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 332, 1131, 1141, 1143, 1152, 1961, 1969, 1982, 2005, 2008, 2172.

423....Transfers responsibility for collection of taxes and fees imposed on certain fuel from department of taxation to department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 333, 688, 703, 712.

424....Requires certain persons to conduct studies to determine certain statistical disparities and report results to legislature. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Arberry, Williams, Segerblom, Perkins, Price, Buckley, Krenzer, Bache, Anderson, Chowning, Goldwater, Ohrenschall, Freeman, Evans, de Braga, Neighbors, Manendo and Giunchigliani. 333.

425....Requires suspension of drivers' licenses of persons who court has determined are in arrears in payment for support of children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Fettic, Hettrick, Dini, Tiffany, Evans, Ernaut, Perkins, Humke,

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Anderson, Arberry, Williams, Segerblom, Giunchigliani, Price, Allard, Sandoval, Harrington, Steel, Monaghan, Bennett, Spitler, Marvel, Batten, Close, Braunlin, Brower, Carpenter, Neighbors, de Braga, Goldwater, Ohrenschall, Bache, Schneider, Buckley, Manendo, Tripple, Lambert, Krenzer, Chowning, Freeman, Stroth and Nolan. 339, 1000, 1004, 1013, 1218, 1223, 1226, 1227, 1243, 1247,* 1249, 1612, 1672, 1803, 2082.

426....Makes supplemental appropriation to committee to hire the handicapped of department of employment, training and rehabilitation for personnel expenses in Las Vegas office. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 343, 499, 504, 527,* 710, 736.

427....Requires notification of certain persons before release of offender convicted of specified crimes related to children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Ohrenschall, Segerblom, Krenzer, Perkins, Spitler, Neighbors, Steel, Stroth, Humke, Anderson, Buckley, Monaghan, Manendo, Goldwater, Batten, Sandoval, Carpenter, Chowning, Close, de Braga, Schneider, Allard, Braunlin, Harrington, Evans, Giunchigliani, Freeman, Nolan, Brower, Bache, Fettic and Dini. 343, 729, 747, 761, 770,* 1131, 1185.

428....Makes various changes concerning provisions governing local governments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 393, 971, 992, 1029, 1036,* 2112, 2121, 2126.

429....Requires reclamation of aggregates and sand pits. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Freeman (by request). 393.

430....Revises provisions governing operating fund of department of administration. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 393, 394, 542, 557, 569, 898, 903,* 1483, 1536, 1577.

431....Revises provisions governing estates of persons for whom Nevada commissioner for veteran affairs acts as guardian. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 394, 653, 676, 684,* 971, 1026.

432....Requires state engineer, under certain circumstances, to grant extension of time to avoid forfeiture of water right. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors and de Braga. 394.

433....Revises certain provisions governing appointment of county surveyors. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Neighbors. 394, 1078, 1086, 1093, 1118, 1119,*.

434....Revises procedure regarding forfeiture of certain water rights. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors and de Braga. 394.

435....Revises provisions governing forfeiture of certain water rights. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Neighbors and de Braga. 394, 907, 942, 976,* 977, 1580, 1612, 1614, 1672, 1852.

436....Authorizes board of county commissioners in certain counties to serve as board of hospital trustees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors and de Braga. 395, 654, 676, 693, 703, 705,* 1483, 1536, 1537, 1541, 1577, 1598.

437....Allows certain state agencies to share their records with local governments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 397, 1000, 1004, 1014, 1029, 1036,* 1872, 1908, 1909, 2002.

438....Prohibits optometrist from administering or prescribing therapeutic pharmaceutical agents without certificate issued by Nevada state board of optometry. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 397, 1260, 1274, 1275, 1276, 1279, 1282, 1286,* 1612, 1671, 1706, 1728.

439....Revises various provisions relating to mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 397, 1137, 1141, 1143, 1155, 1156,* 1159, 1612, 1672.

440....Revises provisions governing escrow agents, agencies and officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 398, 1324, 1337, 1348, 1444, 1457,* 1458, 1461, 1660, 1706.

441....Removes prohibition against operation of service station by refiner of petroleum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 398.

442....Makes various changes related to crimes, juvenile courts, sentencing and victims of crime. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Marvel and Hettrick. 403.

443....Establishes program to pay fees and other related costs for classes taken at University and Community College System of Nevada by dependent children of certain public employees killed in line of duty. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No.

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Williams, Bache, Segerblom, Perkins, Krenzer, Arberry, Spitler, Ernaut, de Braga, Price, Nolan, Chowning, Manendo, Humke, Batten, Goldwater, Fettic, Schneider, Freeman, Anderson and Bennett. 409, 900, 901, 903, 904, 1871, 1882, 1890, 1919, 1920,* 1921, 2045.

444....Prohibits local government from adopting ordinance relating to zoning that prohibits or restricts residential developments based on certain characteristics of occupants. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Buckley, Manendo, Goldwater, Anderson, Chowning, Arberry, Bache, Giunchigliani, Williams, Price, Carpenter, Krenzer, Perkins, Batten, Ohrenschall, Schneider, Segerblom, Tripple, Close, Fettic, Bennett, Neighbors, de Braga, Evans, Dini and Brower. 411, 1130, 1141, 1144, 1155, 1156,* 1159.

445....Adopts Uniform Probate Code. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Giunchigliani. 416.

446....Revises certain provisions governing sale of state securities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 416, 417, 958, 972, 1000, 1003,*.

447....Makes various changes to provisions governing sale of motor vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 417, 1731, 1741, 1747, 1782, 1785,* 1790, 2153, 2155, 2156.

448....Requires that federal individual income tax be deducted and withheld from unemployment compensation benefits upon request of recipient of benefits. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 417, 809, 822, 851,* 1188, 1240.

449....Revises provisions governing recycling programs of counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 417, 924, 960, 1001, 1002,* 1281, 1323.

450....Makes various changes relating to collection of sales and use taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 417, 1058, 1063, 1069, 1079, 1081, 1082,* 2144, 2148, 2150.

451....Prohibits harboring children who run away from home. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 417.

452....Provides for issuance of special license plates for support of education of children in arts under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Chowning, Segerblom, Goldwater, Anderson, Humke, Krenzer, Bache, Neighbors, Tripple, Monaghan, Schneider, Ohrenschall, Manendo, Carpenter, Stroth, de Braga, Braunlin, Close, Sandoval, Allard, Tiffany, Batten, Spitler, Lambert, Giunchigliani, Marvel, Arberry, Nolan, Freeman, Fettic, Steel, Harrington, Williams, Price, Ernaut, Hettrick, Brower, Buckley and Bennett. 428, 739, 758, 806, 812,* 1872, 1911, 2002.

453....Revises provisions governing procedure for appeal by person making unsuccessful bid for purchases by state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 432, 633, 650, 667,* 1188, 1240.

454....Revises provisions governing investment of state money. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 432, 633, 650, 667,* 1209, 1257.

455....Revises provisions governing sick leave for state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 432, 752, 768.

456....Authorizes creation of ground water replenishment district. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 432.

457....Prohibits former legislator from serving as lobbyist for one regular session after termination of service in legislature. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. de Braga, Giunchigliani, Neighbors, Bennett, Ohrenschall, Segerblom, Chowning, Spitler, Manendo, Evans, Fettic and Freeman. 432.

458....Makes appropriation to Churchill County School District for Turnabout AmeriCorps Child Care Program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. de Braga, Carpenter, Segerblom, Fettic, Goldwater, Bennett, Ohrenschall, Freeman, Nolan, Krenzer and Chowning. 432, 433, 1871, 1880, 1884, 1919, 1920,* 1921, 2160.

459....Makes various changes regarding committee established to administer program of deferred compensation for state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache, Ernaut, Carpenter, Anderson, Neighbors, Giunchigliani, Lambert, Arberry, Dini, de Braga, Fettic, Goldwater, Marvel and Spitler. 433, 808, 822, 851,* 1932, 2110.

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460....Regulates practice of medical imaging technologists. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Manendo, Giunchigliani, Bache, Segerblom, Bennett, Neighbors, Freeman, Tripple, Price, Schneider, Perkins, de Braga, Goldwater, Carpenter, Nolan, Chowning, Buckley, Ohrenschall, Humke, Williams, Anderson, Arberry, Steel and Harrington. 433.

461....Makes various changes concerning county and municipal airports. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 434, 739, 758, 805, 1039, 1059, 1064,* 1612, 1672.

462....Requires garages that repair motor vehicles to register with department of motor vehicle and public safety and creates motor vehicle repair advisory board. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Chowning, Buckley, Batten, Anderson, Bache, Goldwater, Schneider, Segerblom, Krenzer, Close, Freeman, Neighbors, Lambert, Fettic, Giunchigliani, Williams, Evans, de Braga, Ohrenschall, Marvel, Manendo and Tripple. 434, 1324, 1337, 1350, 1444, 1458,* 1461.

463....Makes various changes concerning fines and traffic citations. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 437.

464....Authorizes collective bargaining for certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 452.

465....Authorizes collective bargaining for certain state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 452.

466....Authorizes collective bargaining for certain employees in classified service of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 453, 1325, 1337, 1358, 1359.

467....Revises provisions governing aid to certain victims of crime. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 453, 1620, 1648, 1649, 1675, 1689, 1690,* 1692, 2092.

468....Regulates charges for water to mobile home parks in Las Vegas Valley Water District. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, Manendo, Goldwater, Monaghan, Anderson, Batten, Buckley, Krenzer, Giunchigliani, Price, Bache, Perkins, Schneider, Steel and Dini. 453, 1778, 1789, 1816, 1876, 1877, 1953, 1965,*.

469....Allows certain relatives of victim of murder to request to be notified of and attend execution of death penalty. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Stroth, Monaghan, Manendo, Ohrenschall, Steel, Carpenter, Buckley, Sandoval, Anderson, Allard, Ernaut, Bennett and Braunlin. 453, 829, 846, 881,* 1194, 1240.

470....Revises provisions governing disposal of solid waste. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 453.

471....Prohibits sale or distribution for sale of certain detergents containing elemental phosphorus. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 454, 1029, 1039, 1055, 1059, 1064, 1080,*.

472....Requires instruction for original real estate salesman's license to include subject of disclosure of information in real estate transactions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 454, 1061, 1063, 1072, 1079, 1082,* 1281, 1323.

473....Creates account to provide assistance to tenants of mobile home parks who are temporarily unable to pay rent because of illness or emergency. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 454, 1137, 1141, 1145, 1152.

474....Requires evidence of insurance issued by insurer to include period for which premium for policy of insurance has been paid. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 454.

475....Makes various changes to provisions governing insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 454, 1660, 1675, 1729, 1731,* 1732, 1954, 2110, 2117, 2141.

476....Requires seller of certain residential property to disclose condition of property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 455, 979, 996, 1029, 1036,* 1037, 1503, 1605, 1672.

477....Makes various changes relating to social workers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 455, 908, 944, 976,* 977, 1243, 1280.

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478....Requires seller of certain residential property to disclose information regarding zoning and master plan to initial purchaser. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 455, 908, 944, 977,* 1194, 1240.

479....Revises provisions governing liability for failure in sale of real property to disclose certain facts concerning property. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 455, 654, 678, 684,* 1483, 1606, 1672.

480....Requires landlord of mobile home park to disclose history of rental charges for lot to be rented. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 455.

481....Revises provisions governing financial administration of local governments. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Marvel. 456.

482....Extends requirement that school districts develop plan to reduce ratio of pupils to school nurses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Freeman (by request). 456, 987, 1004, 1017, 1162, 1191, 1192,* 1326, 1480.

483....Broadens purposes and alternatives for expending public money. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Buckley, Schneider, Carpenter, Goldwater, Manendo, Ohrenschall, Steel, Sandoval, Humke, Anderson, Marvel, Giunchigliani, Fettic, Williams, Stroth, Tripple, Close, Bache, Monaghan and Tiffany. 456, 1187, 1193, 1201, 1218, 1219,* 1223.

484....Makes various changes relating to mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Buckley, Ohrenschall, Manendo, Close, Anderson, Goldwater, Batten, Bache, Price, Spitler, Tripple, Lambert, Giunchigliani, Krenzer, Freeman, Schneider, Williams, Perkins, Chowning, Evans, de Braga and Segerblom. 456, 1194, 1214, 1243, 1247, 1248, 1249.

485....Requires submission of evidence of insurance or other security for renewal of registration of motor vehicle. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 467.

486....Revises provisions governing sale of salvage vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 468, 841, 862, 901,* 1872, 1911, 1912, 2002.

487....Requires chief of purchasing division of department of administration to establish supplemental food program. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 468, 469, 1917, 1940, 2007, 2008,* 2092.

488....Revises provisions governing regulation of accountants. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Hettrick. 468, 908, 944, 977,* 1243, 1280.

489....Revises provisions governing actions against certain planning and zoning agencies. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 468, 971, 997, 1029, 1037,* 1660, 1706.

490....Contingently reduces basis of computation of business tax. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Carpenter, Harrington, Stroth, Bennett, Hettrick, Fettic, Monaghan and Sandoval. 468, 1627, 1628, 1630.

491....Revises provisions governing imposition of administrative sanctions against child care facilities Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Freeman, Williams and Evans. 477, 987, 1004, 1018, 1029, 1030, 1080, 1083, 1118, 1119, 1120, 1132, 1142, 1192,*.

492....Requires school districts to contract with privately owned businesses for provision of certain services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Harrington, Humke, Nolan, Schneider, Steel, Chowning, Carpenter, Close, Marvel, Lambert, Bennett, Tripple, Monaghan, Fettic, Allard and Stroth. 482.

493....Establishes account to indemnify students enrolled in licensed private postsecondary educational institutions that discontinue service or violate certain laws. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 495.

494....Revises provisions governing maximum allowable pupil-teacher ratio in kindergarten through grade 6. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Carpenter. 496.

495....Requires presiding officer of public body to place item on agenda for future meeting upon request of member of body under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Anderson, Perkins, Williams, Harrington, Braunlin, Steel, Fettic, Goldwater, Ohrenschall, Nolan, Krenzer, Tripple, Monaghan, Lambert, Sandoval, Buckley, Spitler, Chowning, Humke, Batten, Stroth, Ernaut, Hettrick, Tiffany, Giunchigliani, Bache, Segerblom, Neighbors, Manendo, Schneider, Close, Brower, Allard, Evans, de Braga, Dini, Marvel, Bennett, Carpenter and Freeman. 496, 958, 973, 1000, 1003,*.

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496....Makes various changes regarding fees of state land registrar for use of state land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 502.

497....Provides for licensure and regulation of professional counselors. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Evans, Freeman, Neighbors, Fettic, Anderson, Chowning, Price, Dini, Spitler, Segerblom, Goldwater, Manendo, Ohrenschall, Carpenter, Monaghan, Williams, Tripple, Perkins, de Braga, Schneider, Bache and Marvel. 503, 1187, 1193, 1201, 1218, 1219, 1220,* 1223.

498....Makes various changes related to industrial insurance. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 510, 1085, 1086, 1093, 1118, 1121, 1122,* 2092, 2095, 2100.

499....Revises requirements for publication of certain information by counties. 510, 1490, 1497, 1503, 1541,* 1544, 2112.

500....Makes various changes regarding public employees' retirement system. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 510, 709, 733, 761, 770, 771,* 987, 1057.

501....Authorizes temporary advance from state general fund for authorized expenses of state land registrar and division of state lands of state department of conservation and natural resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 511.

502....Makes various changes relating to discriminatory practices. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Buckley, Giunchigliani, Anderson, Perkins, Manendo, Goldwater, Ohrenschall, Humke, Ernaut, Chowning, Tripple, Monaghan, Lambert, Bache, Krenzer, Freeman, Bennett, Fettic, Schneider, Williams, Price, Evans, de Braga, Neighbors, Segerblom, Hettrick, Spitler, Sandoval and Marvel. 511, 1208, 1223, 1232, 1243, 1248, 1482, 1501, 1502,* 1966, 2018.

503....Makes various changes to procedures for adoption of child. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Monaghan, Anderson, Ohrenschall, Steel, Freeman, Carpenter, Stroth, Goldwater, Schneider, Humke, Lambert, Hettrick, Fettic, Manendo, Nolan, Bennett, Tripple, Segerblom, Evans, Tiffany and Brower. 511, 773, 803, 823, 824,* 1194, 1240, 1257.

504....Makes various changes relating to collection agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 512, 1000, 1004, 1019, 1029, 1037, 1445, 1461, 1483, 1488,* 1492, 1660, 1706.

505....Requires establishment of program of regimental discipline for certain juvenile offenders. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Manendo, Ohrenschall, Buckley, Schneider, Anderson, Perkins, Neighbors, Segerblom, Carpenter, Batten, Monaghan, Price, Tripple, Chowning, Goldwater, Dini, Bache, Sandoval, Nolan, Steel, Stroth, Humke, Lambert, Close, Giunchigliani, Arberry, Spitler, Williams, Harrington, Brower, Allard, Fettic, Bennett, Freeman, Hettrick and Evans. 512.

506....Requires certain counties adopting any part of master plan to adopt housing plan. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Buckley, Tripple, Goldwater, Bache, Giunchigliani, Lambert, Evans, Freeman, Close, Arberry, Krenzer, Ohrenschall, Segerblom and Neighbors. 520, 1130, 1141, 1147, 1155, 1156,* 1159, 2092.

507....Requires, under certain circumstances, proposed change in zoning regulation, restriction or boundary that affects property in area zoned for residential use be approved by referendum. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Harrington. 524.

508....Revises provisions governing hiring, directing, assigning and transferring of unlicensed employees of school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Education. 524.

509....Provides for forfeiture of vehicle upon conviction for driving under influence of alcohol under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Harrington, Sandoval, Tripple, Braunlin, Krenzer, Batten, Evans, de Braga, Spitler, Close, Manendo, Humke, Ohrenschall, Nolan, Segerblom, Perkins, Ernaut, Schneider, Stroth, Hettrick, Steel, Fettic and Allard. 525.

510....Increases requirements of disclosure and notification by associations of units' owners of common-interest communities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache. 538, 644, 664, 671, 672,* 1261, 1274, 1275, 1464, 1480, 1709, 1872.

511....Specifies proportion of wages of offender assigned to center for restitution to be paid to victim for restitution. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Spitler. 538, 539, 681, 698.

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512....Authorizes certain local governments to seek reimbursement for expenses incurred for supporting and maintaining prisoners in county or city jail or detention facility. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Spitler and Harrington. 539, 1155, 1163, 1178, 1188, 1190, 1243, 1248,* 1249, 1612, 1672.

513....Requires elected board of trustees for certain water districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Humke, Lambert, Anderson, Ernaut, Evans, Sandoval and Batten. 539.

514....Revises provisions governing smoking areas in public buildings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 543, 818, 830, 851,*.

515....Authorizes preference for disadvantaged business enterprises in public contracting. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 543.

516....Limits access to police reports of accidents involving motor vehicles. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 543.

517....Revises provisions governing reporting campaign contributions and expenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Segerblom, de Braga, Giunchigliani, Carpenter, Neighbors, Evans, Dini, Steel, Braunlin, Schneider, Harrington, Price, Williams, Perkins, Ernaut, Stroth, Anderson, Humke, Chowning, Batten, Tripple, Manendo, Monaghan, Bache, Goldwater, Close, Hettrick, Sandoval, Arberry, Spitler, Allard, Krenzer, Ohrenschall, Bennett, Fettic, Nolan, Marvel, Brower, Lambert, Freeman and Buckley. 548, 1325, 1337, 1359, 1373, 1407, 1426, 1444, 1458, 1483, 1502,*.

518....Prohibits state agency from taking certain adverse action against certain employees for testimony before legislative house or committee on their own behalf. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Hettrick, Neighbors, Tiffany, Arberry, Marvel, Spitler, Fettic, Giunchigliani, Evans, Close, Chowning, Brower, Allard, Williams, Harrington, Perkins, Goldwater, Bache, Batten, Humke, Sandoval, Tripple, Monaghan, Manendo, Lambert, Anderson, Stroth, Ernaut, Krenzer, Segerblom, Carpenter, Schneider, Buckley, Nolan, Freeman, Ohrenschall, Bennett, de Braga, Steel, Braunlin and Dini. 550, 958, 974, 1000, 1003,* 1881, 2002.

519....Makes various changes relating to Colorado River commission. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 555.

520....Makes various changes to provisions relating to actions for medical malpractice. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 555, 1620, 1627, 1631, 1675, 1690, 1859, 1860, 1876, 1877,* 1880, 2045, 2085, 2086.

521....Revises various provisions governing Elko Convention and Visitors Authority. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 555, 1483, 1497, 1504, 1541, 1542,* 1544.

522....Requires welfare division of department of human resources to establish programs to impose certain responsibilities for academic attendance and immunization of dependent children on certain recipients of aid to families with dependent children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Monaghan. 555, 1295, 1300, 1309.

523....Changes date of primary election. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Stroth, Bennett, Price, Lambert, Allard, Ernaut, Tiffany, Steel and Hettrick. 556.

524....Makes various changes to provisions governing family foster care for children. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Carpenter, Bennett, Evans and Freeman. 556, 971, 997, 1446, 1463, 1483, 1489,* 1492, 1709, 1868.

525....Authorizes certain counties to create commission to study Asian-American communities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Segerblom, Chowning, Giunchigliani, Ohrenschall, de Braga, Price, Bache, Nolan, Dini, Perkins, Krenzer, Goldwater, Arberry, Manendo, Schneider, Williams and Spitler. 556, 764, 804, 824,* 1966, 2013, 2014, 2111, 2118, 2160, 2165.

526....Makes various changes relating to commission on ethics. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 561, 1296, 1300, 1310, 1326, 1332,* 1334, 2153, 2154, 2155.

527....Repeals certain provisions relating to importers, wholesalers and suppliers of intoxicating liquor. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 561, 1208, 1223, 1234, 1244, 1249, 1954, 2016.

528....Makes various changes relating to mobile home parks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Close, Nolan, Spitler, Buckley, Schneider,

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Goldwater, Evans, Tripple, Manendo, Chowning, Anderson, Arberry, Krenzer, Bennett, Ohrenschall, Segerblom, Price and Giunchigliani. 561, 1112, 1123, 1126, 1155, 1283, 1286, 1298, 1299,*.

529....Requires transmittal of additional information on convicted felons to county clerks and registrars of voters. 561.

530....Revises provisions regarding renewal of drivers' licenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Braunlin, Batten, Chowning, Carpenter, Williams, Schneider, Sandoval, Steel, Harrington, Bache, Buckley, Tiffany, Segerblom, Manendo, Bennett, Tripple, Marvel, Humke, Spitler, Brower, Anderson, Neighbors, Monaghan, Close, Hettrick, Fettic, Stroth, Nolan, Ernaut, Ohrenschall, Goldwater, Price, Giunchigliani, Arberry, Dini, Lambert, de Braga, Krenzer, Allard, Perkins and Evans. 562, 1086, 1100, 1118, 1122,* 1612, 1672.

531....Provides for regulation and licensure of hair designers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Braunlin, Goldwater, Stroth, Manendo, Brower, Price, Tiffany and Allard. 562, 827, 847, 869, 912, 922, 953,* 1209, 1257.

532....Provides for governmental payments to persons displaced by governmental acquisitions of real property. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Buckley, Anderson, Perkins, Goldwater, Manendo, de Braga, Ohrenschall, Lambert, Bache, Schneider, Fettic, Segerblom, Spitler, Price, Chowning, Bennett, Arberry, Close, Ernaut, Stroth, Allard, Tripple, Harrington, Krenzer, Nolan, Marvel, Giunchigliani and Monaghan. 563, 1078, 1086, 1101, 1118, 1122,* 1123, 2092, 2100, 2103.

533....Designates portion of state highway as "The Extraterrestrial Alien Highway." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Neighbors, Price, Chowning, Manendo, Arberry, Williams, Schneider, Harrington, Perkins, Stroth, Allard, Giunchigliani, Nolan, Krenzer, Ohrenschall, Steel, Braunlin, Fettic, Segerblom, Goldwater, Evans, Carpenter, Lambert, Brower, Sandoval, Spitler, Tripple, Monaghan, Anderson, Humke, Bache, Close, Dini, Buckley, de Braga, Marvel, Hettrick and Ernaut. 570, 827, 847, 881, 884,*.

534....Increases criminal penalty for abduction of child by parent with joint legal custody. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 585, 1447, 1461, 1468, 1483, 1489,* 1492, 1660, 1706, 1726.

535....Revises provisions governing penalty and penalty hearing for first degree murder. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 585, 688, 704, 725, 726,* 987, 1057.

536....Provides procedure for financial administration of local government in severe financial emergency. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 585, 653, 654, 664, 670,* 671, 816, 825, 1700.

537....Establishes system of demerit points for violations of provisions relating to wildlife. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Humke, Hettrick, Marvel, Carpenter, Neighbors, de Braga, Fettic, Goldwater, Bennett, Ohrenschall and Ernaut. 585, 1086, 1102, 1118, 1123, 1612, 1672.

538....Creates legislative committee to study state regulations which affect business and economic development. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Humke, Schneider, Carpenter, Ohrenschall, Manendo, Monaghan, Steel, Stroth, Sandoval, Lambert, Fettic, Bennett, Nolan, Arberry, Braunlin, Ernaut, Chowning, Allard, Hettrick and Marvel. 585, 586, 818, 830, 832, 1872, 1882, 1890, 1919, 1920,* 1921, 2042, 2112, 2135, 2153, 2157, 2160.

539....Authorizes state gaming control board and Nevada gaming commission to discipline gaming licensee who willfully fails to pay for parts specifically made for gaming devices.Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Schneider, Steel, Goldwater, Manendo, Harrington, Braunlin, Buckley, Brower, Spitler, Humke and Hettrick. 601, 979, 998, 1029, 1037,*.

540....Increases monetary limits relating to small claims in justices' courts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Schneider, Steel, Harrington, Krenzer, Braunlin, Dini, Buckley, Brower, Spitler, Humke and Hettrick. 601, 1155, 1163, 1178, 1188, 1190,*.

541....Repeals provision requiring governing board of local government to file certain quarterly financial reports. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 607.

542....Makes various changes relating to Colorado River Commission. 607, 1130, 1141, 1148, 1155, 1157,* 1159, 1612, 1672, 2011.

543....Repeals provision requiring county to publish or post amount of bills allowed. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 607.

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544....Allows heirs of decedent to recover punitive damages in action for wrongful death. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 621.

545....Makes various changes concerning state board of nursing and practice of nursing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 621, 709, 712, 1324, 1337, 1373, 1385, 1600, 1602, 1621, 1656, 1660, 1663,* 1954, 1978, 2110.

546....Makes various changes to provisions governing lease of land for mobile home or manufactured home that is not located in mobile home park. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 621.

547....Revises provisions governing discrimination against certain persons in sale or rental of dwelling. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Fettic, Sandoval, Hettrick, Spitler, Monaghan, Dini and Tiffany. 621, 840, 863, 888,* 1209, 1257.

548....Makes various changes regarding fees paid to state land registrar for use of state land. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Hettrick. 621, 622, 1484, 1497, 1510, 1541, 1542,* 1544, 1932, 1980.

549....Requires certain documents containing results of assay to include warning concerning use of results. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Hettrick. 622, 1295, 1300, 1311, 1326, 1332,* 1334, 1612, 1672.

550....Revises provisions governing commission on judicial discipline. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson, Giunchigliani, Manendo, Bache, Close, Arberry, Williams, Chowning, Segerblom, Neighbors, de Braga, Evans, Spitler, Krenzer, Ohrenschall, Goldwater, Fettic and Price. 622.

551....Prohibits legislator from receiving or accruing certain income during legislative session. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Giunchigliani, de Braga, Bache, Manendo, Chowning, Perkins, Price, Arberry, Ohrenschall, Goldwater, Segerblom, Schneider, Neighbors, Evans and Buckley. 623.

552....Makes various changes to provisions governing industrial insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 631, 1443, 1461, 1469, 1483, 1492, 1541, 1542,* 1544, 2045, 2086, 2088.

553....Revises provisions governing private practice by attorney who is appointed as special prosecutor for limited duration with limited jurisdiction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 634, 857, 891, 920,* 921, 1209, 1257.

554....Prohibits use of certain titles relating to professions in industrial hygiene and safety without national certification. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Bennett, Harrington, de Braga, Bache, Lambert, Nolan, Goldwater, Ohrenschall, Fettic, Giunchigliani, Anderson, Manendo, Williams, Close, Carpenter, Stroth, Steel, Buckley, Braunlin and Price. 634, 840, 863, 901,* 1209, 1257.

555....Revises amount of transportation allowance for public employees. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 634, 818, 832, 871,* 1612, 1672.

556....Revises provisions governing employment of unarmed security guards by licensed private patrolmen. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 635.

557....Requires disclosure by seller of status of water rights appurtenant to real property being sold. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. de Braga, Bennett, Segerblom, Neighbors, Carpenter, Sandoval, Buckley, Dini, Spitler, Chowning, Anderson, Ernaut, Perkins, Price, Harrington, Steel, Williams, Fettic, Goldwater, Ohrenschall, Tripple, Manendo, Lambert, Bache, Giunchigliani, Close, Marvel, Arberry and Nolan. 635.

558....Abolishes advisory board on automotive affairs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 647, 1448, 1461, 1475, 1483, 1489,* 1492.

559....Prohibits certain deed restrictions which prohibit displaying flags or political signs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Manendo (by request). 647, 1580, 1586, 1590, 1621, 1656,*.

560....Revises provisions permitting attendant to support prosecuting witness at preliminary hearing and trial. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 654, 1325, 1337, 1385, 1444, 1458,* 1461, 1612, 1672.

561....Makes various changes concerning issuance and redemption of certain state obligations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 655, 1059, 1063, 1072, 1079, 1082,* 1966, 2011, 2012,*.

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562....Removes limitation on cost of printing ballots for elections. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 655, 729, 747, 761, 771,* 1881, 2002.

563....Revises provisions governing reimbursement of certain expenses of legislators. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 655, 735, 747, 771,* 2144.

564....Makes various changes to provisions governing elections. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 655.

565....Revises provisions governing granting of probation or parole to person convicted of harassment, stalking or crime constituting domestic violence. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Batten. 670, 1620, 1648, 1650, 1675, 1690.

566....Extends period during which committee on benefits shall review history of claims paid from state's group insurance for certain public officers and employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Anderson, Schneider, Goldwater, Buckley, Spitler, Bache, Monaghan, Manendo, Ohrenschall, Tripple, Williams, Segerblom, de Braga and Neighbors. 670, 1162, 1163, 1179, 1192,* 1881, 2002.

567....Authorizes expediting proceedings in juvenile court and trials involving children as witnesses or victims. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 672, 957, 975, 1002,* 1209, 1257, 1805.

568....Revises provisions governing prevention of cruelty to animals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 672.

569....Revises provisions governing early voting by personal appearance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 672.

570....Revises provisions regarding habitual criminals. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 672, 1131, 1141, 1150, 1151, 1155, 1157,* 1159, 1503, 1575, 1577, 1618, 1658, 1659, 1719, 1720, 1721, 1726, 1728, 1729, 1792, 1794, 1807.

571....Revises provisions governing operation of certain regional facilities for children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Carpenter. 682.

572....Makes appropriation to repay certain indebtedness of White Pine County School District. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 682.

573....Creates account for support of child care services. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 682.

574....Makes supplemental appropriation to division of child and family services of department of human resources for certain unanticipated costs of detaining parolees in county facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 682.

575....Allows guardian of estate to invest property of ward in certain money market mutual funds. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 689, 1325, 1337, 1385, 1444, 1458,* 1461, 1612, 1672.

576....Revises provisions governing policy limits of certain policies of insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 689.

577....Requires certain educational personnel to complete program for detection and reporting of abuse or neglect of children as condition for issuance or renewal of license or endorsement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Lambert (by request). 690.

578....Prohibits prostitution. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Harrington. 690.

579....Makes various changes relating to property that is exempt from execution. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Harrington. 690, 1980.

580....Requires certification of laboratories to analyze water. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 691, 1028, 1039, 1079, 1086, 1105, 1106, 1325, 1337, 1338,* 1395, 1881, 2002.

581....Makes various changes concerning department of business and industry. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Commerce. 691, 876, 877, 1586, 1590, 1621, 1656,* 1966, 2017.

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582....Revises provisions governing right of publicity. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 691, 1296, 1321, 1326, 1332,* 1334, 1872, 1928, 1929, 2002.

583....Provides for acquisition, retention and transfer of health insurance. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Harrington, Giunchigliani, Bache, Segerblom, Ohrenschall, Anderson, Dini, Evans, Buckley, Carpenter, Sandoval, Arberry, Freeman, Chowning, Manendo, Allard, Bennett, Close, Lambert, Price, Tripple, Spitler, de Braga, Hettrick, Marvel, Nolan, Fettic, Williams and Perkins. 691

584....Creates advisory subcommittee on health care planning to provide advice to legislative committee on health care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Evans, Goldwater, Anderson, Monaghan, Freeman, Chowning, Perkins, Ohrenschall, Manendo, Carpenter, Marvel, Fettic, Segerblom, Steel, Tiffany, Krenzer, Neighbors, Dini, Sandoval, Tripple, Arberry, Bache, Williams, Brower, de Braga, Schneider and Spitler. 692, 1162, 1163, 1179, 1188, 1191,*.

585....Makes various changes to provisions prohibiting abuse, neglect and exploitation of older persons. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 700, 1490, 1497, 1513, 1541, 1542,* 1543, 1544, 2092, 2104, 2105.

586....Revises provisions governing committee on benefits. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 701, 907, 945, 963,* 964.

587....Revises provisions regarding workers' compensation fraud. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Labor and Management. 701, 1443, 1461, 1477, 1483, 1491,* 1492, 1872, 2002.

588....Proposes to reduce rate of sales and use taxes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 701.

589....Directs legislative commission to conduct interim study concerning financing of repair and maintenance of streets, roads and highways in this state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 702, 1296, 1300, 1312, 1313.

590....Reduces rate of excise tax on motor vehicle fuel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 702.

591....Provides in skeleton form for voluntary disclosure of certain hazards. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Carpenter. 702.

592....Provides for administration and disposition of medical savings accounts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 710, 1324, 1337, 1350, 1860, 1865, 1876, 1877, 1878,* 1880, 1966, 2110.

593....Provides for payment of providers of health care or services in medical emergencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 711.

594....Revises provisions relating to sale of alcoholic beverages. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 711, 1187, 1193, 1202, 1218, 1220, 1222,* 1223, 1503, 1606, 1609, 1697, 1836, 1837, 1872, 2110.

595....Revises provisions governing award of custody or guardianship of child to person other than parent. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 711.

596....Revises provisions governing coordination of benefits under certain group health insurance policies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 711.

597....Authorizes certain cities and counties to allow use of independent contractors to review plans for and inspect buildings and limits provisions giving preference to certain contractors on public works projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 712, 1187, 1193, 1203, 1218, 1222,* 1223, 1966, 2014, 2015, 2016.

598....Limits exclusion of persons from criminal proceedings. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 730, 1325, 1337, 1386, 1444, 1458,* 1459, 1461, 1660, 1706.

599....Revises provisions relating to placement of mobile homes and other structures on mobile home lots. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Manendo, Ohrenschall, Buckley, Close, Bache and Batten. 730.

600....Authorizes private enforcement of laws relating to parking for handicapped persons. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Manendo (by request). 730, 1295, 1300, 1313, 1326, 1332, 1333, 1334.

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rington, Ohrenschall, Manendo, Chowning, Lambert, Sandoval, Anderson, Dini, Williams, Goldwater, Carpenter, Segerblom, Fettic, Steel, Braunlin, Allard and Buckley. 815, 1620, 1627, 1634, 1675, 1691,* 1692.

637....Makes appropriation to office of attorney general for enforcement of certain laws relating to tobacco. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 815, 1274, 1277, 1278, 1731, 1755, 1767, 1782, 1785,* 1790, 2045, 2088.

638....Prohibits certain vehicles from traveling in lane farthest to left under certain circumstances. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 815.

639....Makes appropriation to department of education for pilot program for certain preschool and kindergarten children. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 819.

640....Revises provisions governing unlawful taking of vehicle. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Bache (by request). 819, 1296, 1300, 1317, 1326, 1327, 1334.

641....Revises provisions governing regulation of taxicabs in cities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 819, 1162, 1163, 1183, 1188, 1191,* 1612, 1672.

642....Changes manner of perfecting and giving notice of security interests in property of public utilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 819, 1208, 1223, 1234, 1243, 1248,* 1249, 1612, 1672.

643....Revises provisions governing testing of driver for presence of alcohol or controlled substance in his blood or breath. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 819, 986, 1004, 1020, 1029, 1034,* 1872, 1904, 2003.

644....Extends permissible locations for greyhound racing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 820, 1187, 1193, 1204, 1218, 1222, 1223, 1612, 1672.

645....Authorizes unlicensed personal assistant to perform certain services for person with physical disability under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 821, 986, 1004, 1020, 1029, 1037,* 1038, 1261, 1440, 1480, 1603, 1721, 2041.

646....Makes various changes to procedure in juvenile cases. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 828, 1325, 1337, 1394, 1444, 1460,* 1461, 1932, 2017, 2018.

647....Makes various changes regarding provision of health care services and medical equipment by health maintenance organization. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Brower, Close, Giunchigliani, Spitler, Price, Dini, Nolan, Neighbors, Stroth, Chowning, Steel, Buckley, Ohrenschall, Monaghan, Arberry, Hettrick, Fettic, Tiffany, Perkins, Allard, Sandoval, Tripple, Manendo, Humke, Batten, Ernaut, Anderson, Lambert, Bennett, Schneider, Bache and de Braga. 829, 1324, 1337, 1395, 1396.

648....Clarifies intent of legislature regarding procedure for forfeiture of property relating to certain criminal activities. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Anderson, Carpenter, Monaghan, Manendo, Williams, Goldwater, Humke, Segerblom, Spitler, Sandoval, Dini, Evans, de Braga, Schneider, Harrington, Price, Perkins, Batten, Allard, Stroth, Close, Fettic, Ohrenschall, Freeman, Krenzer, Arberry, Marvel, Giunchigliani, Bache, Lambert and Tripple. 833, 1620, 1627, 1635, 1675, 1691, 1692,*.

649....Provides for certification of inspectors of real estate. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Anderson, Monaghan, Manendo, Williams, Buckley, Goldwater, Humke, Segerblom, de Braga, Evans, Dini, Spitler, Schneider, Price, Chowning, Batten, Tripple, Bache, Fettic, Ohrenschall, Giunchigliani and Krenzer. 833, 1708, 1741, 1750, 1768.

650....Makes various changes related to orders for custody of child. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 842, 1620, 1627, 1635, 1675, 1692,* 1932, 2000, 2002.

651....Revises provisions governing mechanical voting systems. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 843, 1544, 1545, 1564, 1580, 1582,*.

652....Authorizes issuance of elk tags as compensation for damage to property caused by elk. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 843.

No. *Summary, Introducer and Page Reference*

653....Requires state welfare administrator to include in state plan for assistance to medically indigent coverage for transplant of person's heart under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 843.

654....Limits lien of materialman for improvement of structure. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Williams, Neighbors, Arberry, Price, Perkins, Krenzer, Bennett, Segerblom, Carpenter, Buckley, Batten, Spitler, Manendo, Schneider, Bache and Chowning. 843.

655....Revises provisions regarding advisory committee on housing and provides for location of principal office of housing division of department of business and industry. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 844, 1772, 1782, 1876, 1878,* 1880, 2172.

656....Revises provisions relating to exemption from taxation for certain veterans. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 850, 1442, 1461, 1478, 1483, 1487,* 1492, 1966, 2024, 2027.

657....Revises provisions governing eligibility of certain gaming control agents for early retirement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 857.

658....Facilitates funding of certain projects through interlocal agreements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 857, 1078, 1117, 1132, 1137,* 1881, 2003.

659....Establishes procedures pursuant to which person may choose not to be resuscitated in event of cardiac or respiratory arrest. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 857, 1586, 1592, 1621, 1656, 1657,*.

660....Requires division of wildlife of state department of conservation and natural resources to establish plans for management of herds of elk. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 857.

661....Prohibits certain appeals in criminal actions if defendant pleaded guilty or nolo contendere. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Judiciary. 857.

662....Makes appropriation necessary to effect salary increase for certain classes of state educational personnel. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Carpenter. 877.

663....Provides school district may authorize use of property of district for commercial advertising. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Manendo, Chowning, Williams, Stroth, Segerblom, Braunlin and de Braga. 877, 1296, 1300, 1317, 1326, 1333,* 1334, 1464, 1497, 1502, 1503,*.

664....Provides for division of large school districts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Harrington, Perkins, Close, Lambert, Stroth, Braunlin, Segerblom, Tiffany, Allard, Manendo, Monaghan, Nolan, Bennett, Goldwater and Steel. 878.

665....Provides that obscenity must be determined based on contemporary local community standards. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 878.

666....Revises provisions governing evaluations of certain offenders for abuse of alcohol or other drugs. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 898.

667....Revises certain provisions regarding regulation of sellers and appraisers of real estate and requires verification of registration of qualified intermediaries in certain real estate transactions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 899, 1324, 1337, 1396, 1399, 1490, 1501, 1502,* 1660, 1706.

668....Proposes to amend Sales and Use Tax Act to continue exemption for gross receipts from sale of tangible personal property by certain organizations and prohibits collection of tax unless question is defeated by voters. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Fettic (by request). 899.

669....Revises provisions relating to county roads, highways and bridges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 909, 1292, 1293, 1298, 1299,* 1612, 1672.

670....Provides for electronic access to local governmental records. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 909.

No. *Summary, Introducer and Page Reference*

671....Provides exemption from property tax for certain tangible personal property used in business. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 909, 1954, 1960, 2045, 2051,* 2165.

672....Exempts certain property from taxation. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Taxation. 910, 1579, 1586, 1595, 1602, 1777, 1865,* 1954, 2110.

673....Revises provisions governing inspection of livestock. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini and de Braga. 910, 1295, 1300, 1317, 1326, 1333,* 1334, 1612, 1672.

674....Regulates operational practices of shooting ranges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 910.

675....Creates licensing board for electricians. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Price. 912

676....Prohibits certain advertising concerning prostitution. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 936, 1829, 1875, 1939, 1942,* 2092.

678....Revises various provisions relating to chief of risk management division of department of administration. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 937, 1296, 1300, 1318, 1326, 1333, 1334,*.

679....Authorizes division of child and family services of department of human resources to distribute interest and income earned from money deposited into certain gift accounts to fund special activities for children in foster care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Chowning, Spitler, Price, Arberry, Evans, Dini, Bennett, Batten, Segerblom, Perkins, Manendo, Close, Tripple, Carpenter, Ohrenschall, Freeman, Fettic, Allard, Giunchigliani, Buckley, Anderson, Humke, Krenzer, Bache, Monaghan, Sandoval, Ernaut, Nolan, Goldwater, Steel, Schneider, Neighbors, de Braga and Williams. 937, 1579, 1586, 1596, 1621, 1657,* 2144.

680....Provides period of leave of absence with pay in lieu of compensation for industrial injury or occupational disease for certain peace officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Government Affairs. 955.

681....Revises provisions governing submission of fingerprints used during investigation of person who provides child care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 959, 1187, 1193, 1205, 1218, 1222, 1223,* 1326, 1480.

682....Increases tax on transfer of real property and allocation from proceeds to account for low-income housing. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry, Price, Buckley, Williams, Segerblom, Krenzer, Giunchigliani and Evans. 961.

683....Authorizes certain school districts to levy special tax for capital projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Tiffany. 980.

684....Requires state agencies and political subdivisions of state to take certain precautions to avoid taking private property. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. de Braga, Bennett, Segerblom, Fettic, Carpenter, Neighbors, Hettrick and Marvel. 1000.

685....Requires annual apportionments to school districts to enable them to comply fully with certain requirements concerning class-size reduction. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Education. 1031.

686....Requires state and local governments to select registered professional engineers, professional land surveyors and registered architects for certain public works on basis of competitive bidding. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1031.

687....Makes certain provisions of classified service applicable to certain agents of state gaming control board for certain purposes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1031.

688....Revises provisions governing period in which arrested person must be taken before magistrate and charged. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1031, 1032.

689....Establishes system of insurance for operation of motor vehicle in which liability is not based upon fault. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Commerce. 1032.

690....Revises provisions governing practice of podiatry. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Commerce. 1032, 1296, 1300, 1319, 1326, 1334,* 1612, 1672.

No. *Summary, Introducer and Page Reference*

691....Transfers capitol police to department of motor vehicles and public safety. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1032, 1744, 1755, 1756, 1782, 1785,* 1790, 2092.

692....Abolishes highway patrol special account. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1032, 1162, 1163, 1183, 1188, 1192,* 1193, 1612, 1672.

693....Makes appropriation to City of Las Vegas for support of certain centers for treatment of substance abuse. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1033.

694....Makes various changes relating to regulation of fireworks. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Chowning, Segerblom, Bennett, Ohrenschall, Lambert, Goldwater, Schneider, Manendo, Monaghan, Batten, Anderson, Stroth, Williams, Nolan, Bache, Braunlin, de Braga, Spitler, Tripple, Humke, Marvel, Close, Giunchigliani, Ernaut, Dini, Perkins, Allard, Buckley, Fettic, Krenzer, Freeman, Arberry, Steel and Brower. 1033, 1778, 1789, 1816, 1818, 1860, 1866, 1876, 1878,* 1880.

695....Creates presidential preference primary election. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Elections and Procedures. 1061, 1405, 1407, 1426, 1698, 1730, 1742, 1782, 1785, 1788,* 1790, 2045, 2166, 2167, 2168, 2170, 2171.

696.....Revises provisions relating to collection of certain license taxes. 1061, 1690, 1705, 1729, 1730,* 1732, 1872, 2003.

697....Makes supplemental appropriation to department of prisons for certain costs related to medical care. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1061, 1464, 1487, 1492, 1541, 1543,* 1544, 1660, 1706.

698....Revises provisions governing disposition of commission for collecting vehicle privilege tax. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1061, 1062, 1213, 1223, 1235, 1246,* 1249, 1660, 1706.

699....Makes supplemental appropriation to division of child and family services of department of human resources for costs of placing certain children in intermediate care facilities for mentally retarded in Utah. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1062.

700....Allows issue of deceased brother or sister of decedent to succeed to estate of decedent under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1062.

701....Extends period during which action for sexual discrimination based on sexual harassment may be brought. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry. 1062.

702....Provides for evaluation of desirability and feasibility of imposing state license fee on sexually oriented businesses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Stroth. 1067, 1744, 1755, 1761, 1762, 1925, 1939, 1941, 2008,*.

703....Revises provisions relating to organization of certain cities and election of officers thereof. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1080, 1881, 1899, 1919, 1920,* 1921, 2112.

704....Revises provisions governing authority of drivers' education and safety officer and distribution of additional fee for drivers' licenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1080, 1213, 1223, 1235, 1246,* 1249, 1612, 1672.

705....Provides that person's failure to wear safety belt may be considered as negligence or causation in civil action. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1109.

706....Authorizes public service commission of Nevada to allocate number of taxicabs in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 1109.

707....Makes various changes relating to identification cards for persons without drivers' licenses. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 1109, 1771, 1772, 1782, 1789,* 1790.

708....Revises provisions relating to privilege taxes and registration fees for vehicles. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Transportation. 1110, 1627.

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709....Specifies persons who may obtain results of laboratory tests and expands restriction concerning waiver of deductible or copayment to additional medical facilities. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Health and Human Services. 1110, 1579, 1586, 1597, 1621, 1657,* 1881, 1904, 1905, 2003.

710....Limits applicability of certain federal occupational safety and health standards and requires establishment of standards and procedures for operation of cranes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Labor and Management. 1110, 1631, 1648, 1653, 1675, 1692,* 1872, 2003.

711....Makes appropriation to department of human resources for augmentation of federal funding of nonstate agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1117.

712....Authorizes department of motor vehicles and public safety to provide certain services at locations other than offices of department. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 1117, 1213, 1223, 1235, 1290, 1809, 1877,* 1880.

713....Provides separately for taxation of users who also store special fuel. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 1137.

714....Reduces period during which cause of action to recover damages for personal injury or wrongful death may be commenced against State of Nevada or any of its officers or employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1163.

715....Revises provisions governing appeals from final judgments in actions for age discrimination in employment. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1163, 1674, 1691, 1698, 1729, 1730,* 1731, 1732.

716....Authorizes board of wildlife commissioners to accept sealed bids for or to auction certain number of wild turkey tags each year. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 1163, 1242, 1249, 1251, 1264, 1268,* 1269.

717....Provides criteria for cleaning up discharged petroleum. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 1164, 1490, 1497, 1515, 1541, 1543,* 1544, 1881, 2003.

718....Requires posting of signs containing certain information relating to projects for public highway, road and bridge construction. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Goldwater and Buckley. 1164, 1731, 1741, 1751, 1782, 1789,* 1790.

719....Revises provisions relating to establishment of election precincts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price. 1164.

720....Creates garlic and onion growers' advisory board. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: Yes. Committee on Natural Resources, Agriculture and Mining. 1164, 1242, 1249, 1251, 1268, 1464,* 1881, 2003.

721....Permits election of directors of fire protection districts without precincts. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1164, 1260, 1274, 1278, 1283,* 1284, 1660, 1706.

722....Makes various changes to provisions governing certified court reporters. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 1165, 1490, 1497, 1516, 1541, 1544,* 1881, 1904, 2003.

723....Revises provisions governing membership of county advisory boards to manage wildlife. Fiscal Note: Effect on Local Government: Yes. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 1188.

724....Requires owner of storage facility to maintain insurance against loss or damage of property stored at facility. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry, Williams, Krenzer, Ohrenschall and Giunchigliani. 1245.

725....Revises limitations on other employment for certain persons in unclassified service of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Arberry and Williams. 1245, 1828, 1830, 1841, 1851, 1876, 1878,* 1879, 1880, 2153.

726....Directs state treasurer to use inactive deposits to promote loans to certain enterprises. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Arberry, Williams, Giunchigliani, Freeman and Ohrenschall. 1245, 1246.

727....Increases certain taxes on revenues from rental of transient lodging and revises composition of county fair and recreation board in largest counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price, Arberry and Williams. 1287.

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728....Revises provisions governing local financial administration. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1300, 1675, 1691, 1698, 1729, 1732,* 1954, 2110.

729....Provides for prospective repeal of certain interim legislative committees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 1545, 1778, 1789, 1818, 1876, 1921, 1939, 1942,*.

730....Revises provisions governing elective treatment programs for alcoholics and drug addicts convicted of crimes. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Health and Human Services. 1549.

731....Requires that certain juveniles charged with felony involving use of firearm be prosecuted as adults. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Harrington. 1580.

732....Requires candidates and public and judicial officers to file amended statements of financial disclosure under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 1586, 1630, 1648, 1654, 1675, 1689,* 1692.

733....Revises provisions governing enforcement of lien for unpaid rent against registered owner of mobile home or manufactured home. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, Buckley, Close, Manendo and Batten. 1587, 1931, 1969, 1986, 2049, 2052,*.

734....Makes appropriations for support of civil government of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriations. Committee on Ways and Means. 1732, 1778, 1789, 1818, 1876, 1877,* 1961.

735....Increases compensation of certain employees of senate and assembly. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 1741, 1871, 1878, 1879,* 1880, 2045.

736....Establishes maximum allowed salaries for employees in unclassified service of state. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriations. Committee on Ways and Means. 1781, 1954, 1980, 1997,* 2112, 2126.

737....Apportions state distributive school account and revises provisions governing administration of public school money. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1781, 1874, 1878, 1879, 1880,* 1966.

738....Authorizes and provides funding for certain projects of capital improvement. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1873, 1939, 1943, 1950, 1951,* 2092.

739....Increases compensation of legislators. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Yes. Committee on Ways and Means. 1944, 2005, 2030, 2037, 2108, 2110, 2118.

740....Increases number of deputy administrators in division of child and family services of department of human resources. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Executive Budget. Committee on Ways and Means. 1959, 2005, 2028,* 2092.

741....Makes various appropriations from state general fund. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Contains Appropriation. Committee on Ways and Means. 1960, 2044, 2051,* 2153.

742....Repeals provisions which exempt from taxation possessory interests in or beneficial uses of property made available for grazing by certain federal agencies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 1966.

743....Limits expansion of gaming operations of certain establishments in certain counties. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 2006, 2077, 2088, 2090, 2118.

VETOED ASSEMBLY BILLS OF THE 67th SESSION

No. *Summary, Introducer and Page Reference*

359....Makes various changes regarding administration of program of deferred compensation for state employees. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: Effect less than $2,000. Committee on Government Affairs. 18, 96, 97,*.

687....Lessens length of notice to quit for certain short-term tenancies. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 18, 96, 97, 101,*.

VETOED ASSEMBLY BILLS OF THE 68th SESSION

No. *Summary, Introducer and Page Reference*

43....Clarifies authority of officer or employee of Federal Government to enforce state laws and exercise powers of peace officer in Nevada. 1447, 1448, 1621, 1626,*.

214....Authorizes legislature to reject certain proposed administrative regulations. 1079, 1211, 1213,*.

LISTING OF ASSEMBLY RESOLUTIONS AND ACTION THEREON

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

ASSEMBLY JOINT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1....Urges Congress to expedite ratification of amendments to Tahoe Regional Planning Compact made by State of California and adopted by Nevada Legislature. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 18, 120, 132, 134,* 489, 505.

2....Urges Tahoe Regional Planning Agency to continue to simplify its operations and procedures and to encourage cooperation between persons interested in protecting environment of Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 18, 120, 132, 134,* 489, 505.

3....Urges Tahoe Regional Planning Agency to rank environmental threshold carrying capacities for Lake Tahoe Basin in their order of priority. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 18, 19, 120, 132, 134, 135,* 489, 505.

4....Urges Tahoe Regional Planning Agency to assist in coordinating analysis of resources within Lake Tahoe Basin which are potentially finite in nature and to continue to review status of environmental threshold carrying capacities for Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 19, 120, 132, 135,* 489, 505.

5....Urges Tahoe Regional Planning Agency to continue to carry out its current plans and to expand further its efforts to emphasize implementation of those plans and other plans and projects which enhance environmental quality of Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 19, 120, 132, 135,* 489, 505.

6....Supports efforts of Tahoe Truckee Regional Economic Coalition to promote strong economy and enhance quality of life in Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 19, 120, 132, 135,* 489, 505.

7....Expresses support of Nevada Legislature for mission of Tahoe Basin Forest Health Consensus Group and urges Congress and certain federal and state agencies to provide emergency assistance in accomplishment of that mission. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 19, 158, 167, 189,* 489, 505.

8....Urges Tahoe Regional Planning Agency to establish procedures to grant variances from ordinances adopted pursuant to Tahoe Regional Planning Compact for certain projects. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 19.

9....Urges Congress and United States Postal Service to provide for delivery of mail in Lake Tahoe Basin. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 19, 158, 167, 189, 190,* 383, 398.

10....Expresses continued support for designation of Tahoe Regional Planning Agency as Metropolitan Planning Organization. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 19, 89, 95, 103, 104,* 437, 464.

11....Proposes to amend Nevada constitution to authorize Governor to reduce or veto appropriations or authorizations to expend money. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bennett. 20.

12....Proposes to amend Nevada constitution to prohibit exemption of elected public officers from laws applicable to general public. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bennett. 21, 535, 547, 569,* 1079, 1128.

13....Proposes to amend Nevada constitution to provide for resolution of conflicts between certain amendments of statutes and constitutional provisions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Taxation. 48, 50, 469, 477, 505,* 856, 893.

No. *Summary, Introducer and Page Reference*

14....Proposes to amend Nevada constitution to remove Lieutenant Governor from position of President of Senate, and to abolish additional expense allowance paid to Speaker of Assembly and President of Senate. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Bache, Manendo, Spitler, Krenzer, Chowning, de Braga, Giunchigliani, Neighbors, Price, Perkins, Marvel, Hettrick, Monaghan, Close and Segerblom. 64, 469, 480, 482, 669, 684, 704,* 1079, 1128.

15....Urges Congress and President of United States to oppose legalization of certain controlled substances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 67, 222, 230, 233, 234,* 291, 313.

16....Urges Congress to eliminate inequities in payment of social security benefits to "notch babies." Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Segerblom, Ohrenschall, Giunchigliani, Spitler, Anderson, Marvel, Arberry, Goldwater, de Braga, Neighbors, Buckley, Bennett, Manendo, Bache, Harrington, Krenzer, Schneider, Williams, Price, Evans and Batten. 75, 145, 159, 165, 167,* 383, 398.

17....Proposes to amend Nevada constitution to allow legislature to designate places in county other than county seat for holding terms of district court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors, de Braga, Segerblom, Ernaut, Hettrick and Marvel. 121, 552, 567, 600, 601,* 987, 1057.

18....Urges Congress to reconsider exemptions for certain states from federal prohibition against gambling on college sporting events. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Price (by request). 136.

19....Proposes to amend Nevada constitution to authorize legislative review of administrative regulations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 146, 272, 283, 289,* 841, 874.

20....Proposes to amend Nevada constitution to provide for commencement of regular legislative session in March and limit length of regular legislative sessions. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 146, 509, 533.

21....Proposes to amend Nevada constitution to provide for limited annual legislative sessions. 168, 402, 410, 431, 447,*.

22....Urges Congress to maintain current level of funding for public radio and public television stations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Freeman, Evans, Buckley, Bache, Dini, Marvel, Carpenter, de Braga, Perkins, Sandoval, Krenzer, Brower, Giunchigliani, Goldwater, Ohrenschall and Fettic. 180, 279, 288, 307,*.

23....Proposes to amend Nevada constitution to revise provisions governing certain constitutional officers. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bache, Dini, Spitler, Neighbors, Sandoval, Giunchigliani, Freeman, Price and Manendo. 193.

24....Proposes to amend Nevada constitution to provide for election of chief justice by justices of supreme court. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Batten. 265.

25....Urges President and Congress to support efforts to build and use super-speed trains which operate by magnetic levitation. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Transportation. 310, 445, 461, 474,* 841, 874.

26....Expresses vehement opposition to storage of radioactive waste in Nevada. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 390, 738, 759, 806, 812, 814,* 1209, 1257.

27....Proposes to amend Nevada constitution to revise provisions relating to selection of judges. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Close, Hettrick, Arberry, Giunchigliani, Lambert, Chowning, Harrington, Nolan, Bennett, Goldwater, Spitler, Tiffany, Marvel, Fettic, Allard, Buckley, Segerblom and Neighbors. 391, 855, 892, 921, 922,*.

28....Urges Congress to enact legislation allowing states to establish daylight saving time as standard time throughout calendar year. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Ohrenschall, Stroth, Steel, Sandoval, Monaghan, Manendo, Schneider, Carpenter, Buckley, Neighbors, de Braga, Bennett, Perkins and Anderson. 396.

29....Encourages extension of existing systems and facilities for nonmotorized transportation completely around Lake Tahoe. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Hettrick. 431, 724, 734,* 1059, 1110.

30....Urges Congress to give consideration to readiness of Republic of China on Taiwan for broader participation in international community. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Dini, Hettrick, Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Ernaut, Evans, Fettic,

No. *Summary, Introducer and Page Reference*

Freeman, Giunchigliani, Goldwater, Harrington, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams. 503, 729, 747, 761, 771,* 1079, 1128.

31....Urges National Museum of the American Indian to return portion of tule duck decoys to Department of Museums, Library and Arts of State of Nevada. 517, 633, 636, 645,* 877, 905.

32....Expresses concern and extends condolences to residents of Oklahoma City. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Bennett, Dini, Hettrick, Allard, Anderson, Arberry, Bache, Batten, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams. 559, 560, 570,* 604, 632.

33....Proposes to amend Nevada constitution to revise provisions governing commission on judicial discipline. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Anderson, Goldwater, Fettic, Ohrenschall, Arberry, Perkins, Price, Williams, Schneider, Segerblom, Carpenter, Neighbors, de Braga, Evans, Brower, Spitler, Chowning, Close, Giunchigliani and Bache. 617, 1208, 1223, 1235, 1243, 1248, 1249,* 1772, 1840, 1929.

34....Urges Congress to pass legislation that limits court's ability to order custody requirements for prisoners that exceed constitutional requirements. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 620, 1295, 1300, 1319, 1326, 1334,* 1612, 1672.

35....Urges Congress to reduce paperwork requirements associated with National Environmental Policy Act. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 654, 808, 823, 833,* 1209, 1257.

36....Urges resolution of litigation over authorization of grazing permits in Humboldt National Forest. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 654, 808, 823, 833, 834,* 1209, 1257.

37....Proposes to amend Nevada constitution to authorize supreme court to supervise lower courts and court clerks. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 764.

38....Urges Congress to require application for passport for child to be signed by both parents under certain circumstances. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Judiciary. 858, 1155, 1163, 1183, 1193,* 1772, 1840, 1929.

39....Proposes to amend Nevada constitution to exempt Post-Masters from prohibition against holding another civil office. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Neighbors, de Braga, Carpenter and Marvel. 936.

40....Urges Congress, United States Environmental Protection Agency and Division of Environmental Protection of Nevada to resolve problems of small landfills with environmental regulations. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 1030, 1281, 1287, 1290, 1298,* 1299, 1612, 1672.

41....Urges Congress and Secretary of Agriculture to support Conservation Biology of Rangelands Research Unit. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 1209, 1326, 1337, 1399, 1444, 1445, 1460,* 1461, 1660, 1706.

42....Urges United States Forest Service to stop charging certain fees based in part on activities occurring solely on state lands. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Natural Resources, Agriculture and Mining. 1243, 1336, 1337, 1405, 1445,* 1461, 1660, 1706.

43....Commends People to People Student Ambassador Program and sends greetings from Nevada Legislature to Honorable Sir Andrew Bowden, M.P. Fettic, Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams. 1326, 1447, 1448,* 1461, 1465, 1538.

ASSEMBLY JOINT RESOLUTIONS OF THE 67th SESSION

No. *Summary, Introducer and Page Reference*

6....Proposes to amend Nevada constitution to revise requirements for recall of public officer. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 18, 21, 106, 118, 121,* 383, 398.

No. *Summary, Introducer and Page Reference*

19....Proposes to amend Nevada constitution to prescribe additional restrictions on public employees' retirement system. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Government Affairs. 18, 22, 193, 203, 208,* 451, 475.

26....Proposes to amend Nevada constitution to clarify exemption from debt limitation of money borrowed to retrofit state buildings to make use of energy more efficient. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 18, 23, 709, 734, 750,* 1612, 1672.

35....Proposes to amend Nevada constitution to allow investment by state to stimulate economic development. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Ways and Means. 18, 23, 24, 709, 734, 750,* 1612, 1672.

ASSEMBLY CONCURRENT RESOLUTIONS

No. *Summary, Introducer and Page Reference*

1....Encourages Department of Education and civic and community service organizations to implement Eddie Eagle Elementary Gun Safety Education Program. Dini, Schneider, Evans, Krenzer, Anderson, Manendo, Goldwater, Ohrenschall, de Braga, Chowning, Spitler, Segerblom, Price, Neighbors, Perkins, Marvel, Hettrick, Monaghan, Close and Bache. 65, 158, 159, 248, 256.

2....Urges certain public officials to take prompt remedial action against juveniles who violate laws related to alcohol and drugs. Committee on Judiciary. 67, 222, 339, 388, 398.

3....Urges certain state agencies to cooperate with Tahoe Regional Planning Agency and local governments in Lake Tahoe Basin and to provide information within their fields of responsibility. Hettrick. 75, 183, 184, 195, 828, 852.

4....Directs Legislative Commission to appoint committee to continue review of Tahoe Regional Planning Compact. Hettrick. 75, 145, 147, 437, 464.

5....Expresses support of Nevada Legislature for participation of Department of Transportation in certain projects in Lake Tahoe Basin. Hettrick. 76, 164, 414, 434.

6....Adopts Joint Rules of Senate and Assembly for 68th session of Legislature. Committee on Elections and Procedures. 76, 89.

7....Amends Joint Rules of Senate and Assembly for 68th legislative session to establish waiting period for voting on general appropriation bill. 93, 233, 234, 239, 1772, 1831, 1832, 1929.

8....Amends Joint Rules of Senate and Assembly to remove provisions requiring 2-week adjournment during legislative session. Committee on Ways and Means. 107, 145, 147, 437, 464.

9....Commends Nevada Youth Baseball Association and urges American Legion to award bid to host 1997 American Legion World Series Tournament to Nevada Youth Baseball Association. Goldwater and Ohrenschall. 107, 127, 143.

10....Amends Joint Rules of Senate and Assembly to require introduction of certain legislative measures within specified time. Committee on Elections and Procedures. 147.

11....Amends Joint Rules of the Senate and Assembly to provide for enforcement of requirement that all meetings of legislative committees be open to public. Committee on Elections and Procedures. 159, 876, 896, 926.

12....Directs Legislative Counsel to reorganize and divide provisions of chapter 616 of NRS. Bache. 195, 342, 343, 1261, 1293.

13....Recognizes responsibility of Nevada Legislature to consider perspective of children in development of social policy and enactment of legislation relating to issues which affect children. Freeman, Goldwater, de Braga, Ohrenschall, Spitler, Schneider, Bennett, Monaghan, Ernaut, Perkins and Dini. 228, 783, 784, 798, 799, 801.

14....Encourages working parents to participate fully in lives of their children. Committee on Education. 234, 554, 560, 1709, 1832, 1926, 1929, 2154, 2179.

15....Commends Nevada School Food Service Association for its public service regarding public nutrition. Anderson, Allard, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Humke, Krenzer, Manendo, Marvel, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple, Dini and Hettrick. 244, 259, 269.

16....Commends members of chiropractic profession upon centennial celebration. Giunchigliani. 264, 265, 273, 283.

17....Directs Department of Taxation to review and revise regulations governing collection of taxes on retail sales of food prepared for immediate consumption. Committee on Taxation. 330.

18....Commends Nevada Parent Teacher Association. Giunchigliani. 387, 411.

No. *Summary, Introducer and Page Reference*

19....Designates April 6, 1995, as Nevada REALTORS® Day. Giunchigliani, Close, Price, Fettic, Freeman, Dini, Evans, Perkins, Humke, Monaghan and Lambert. 415, 437, 464.

20....Urges state industrial insurance system to establish program for education of certain employers and employees concerning operation of system and their rights and responsibilities as participants in system. Goldwater, Krenzer, Bache, Freeman, Buckley, Giunchigliani, Segerblom, Carpenter, Nolan and Williams. 415, 560, 562, 738, 753.

21....Directs development of proposal to amend state plan for assistance to medically indigent to include coverage for treatment of substance abuse provided to recipient of Medicaid in nonhospital setting. Committee on Health and Human Services. 428, 681, 706, 707, 1261, 1440, 1480.

22....Encourages Department of Human Resources to require person who contracts with Medicaid to provide coordinated care to use national data base to obtain certain information. Committee on Health and Human Services. 428, 706, 707.

23....Provides for recognition of certain associations that represent state employees. Committee on Government Affairs. 467.

24....Directs adjustment of sums of money from issuance of certain state general obligation bonds previously authorized for expenditure for certain purposes related to protection and preservation of natural resources. Committee on Ways and Means. 467, 581, 605, 987, 1075, 1076, 1110.

25....Commemorates 75th anniversary of ratification of 19th Amendment to Constitution of United States of America. Braunlin, Brower, Buckley, Chowning, de Braga, Evans, Freeman, Giunchigliani, Krenzer, Lambert, Monaghan, Ohrenschall, Segerblom, Steel, Stroth, Tiffany, Tripple, Dini, Hettrick, Manendo, Goldwater, Close, Humke, Harrington, Williams, Bennett, Batten, Neighbors, Perkins, Spitler, Arberry, Price, Sandoval, Anderson, Schneider, Bache, Nolan, Allard, Carpenter, Fettic, Marvel and Ernaut. 575, 579, 604, 632.

26....Congratulates Dr. Charles Elachi for being selected as recipient of Nevada Medal given by Desert Research Institute and sponsored by Nevada Bell. Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No. Committee on Elections and Procedures. 579, 580, 604, 632.

27....Designates April 28, 1995, as Workers Memorial Day in Nevada. Krenzer, Nolan, Fettic, Steel, Braunlin, Goldwater, Schneider, Harrington, Ohrenschall, Bennett, Price, Perkins, Marvel, Ernaut, Arberry, Close, Giunchigliani, Stroth, Allard, Bache, Anderson, Humke, Chowning, Batten, Carpenter, de Braga, Manendo, Monaghan, Sandoval, Hettrick, Dini, Spitler, Tiffany, Segerblom, Tripple, Lambert, Buckley, Brower, Evans, Williams, Neighbors and Freeman. 605, 634, 651.

28....Grants administrative leave to legislative employees in recognition of their service to 68th session of Nevada Legislature. Price, Dini, Hettrick, Perkins, Williams, Harrington, Schneider, Braunlin, Steel, Fettic, Goldwater, Bennett, Ohrenschall, Freeman, Krenzer, Arberry, Marvel, Close, Ernaut, Stroth, Allard, Anderson, Humke, Chowning, Buckley, Bache, Giunchigliani, Manendo, Batten, Tripple, Brower, Lambert, Monaghan, Segerblom, Nolan, Carpenter, de Braga, Evans, Neighbors, Tiffany, Sandoval and Spitler. 620, 764, 798, 1772, 1868.

29....Commends Nevada pioneer and Ruby Valley matriarch, Lourinda Wines. Segerblom, Nolan, Bennett, Arberry, Bache, Giunchigliani, Harrington, Williams, Krenzer, Freeman, Braunlin, Batten, Manendo, Brower, Ohrenschall, Neighbors, Tripple, de Braga, Close, Sandoval, Carpenter, Buckley, Perkins, Spitler, Lambert, Tiffany, Chowning, Anderson, Stroth, Steel, Goldwater, Ernaut, Schneider, Monaghan, Price, Fettic, Allard, Dini, Evans, Hettrick, Marvel and Humke. 640, 642, 654, 678.

30....Commends Wuzzie Dick George and her family for preserving traditions of Northern Paiute People of Stillwater Marsh. de Braga, Williams, Segerblom, Harrington, Carpenter, Braunlin, Steel, Schneider, Giunchigliani, Bache, Lambert, Chowning, Monaghan, Allard, Stroth, Close, Arberry, Evans, Dini, Buckley, Anderson, Spitler, Goldwater, Ohrenschall, Sandoval, Tripple, Brower, Manendo, Perkins, Neighbors, Nolan, Krenzer, Hettrick, Batten, Humke, Price, Fettic, Bennett, Ernaut, Marvel and Freeman. 642, 644, 654, 678.

31....Expresses support for programs to mitigate traffic noise. Committee on Transportation. 644, 841, 856, 1580, 1671, 1830, 1831, 1946, 1947, 1980.

32....Amends Joint Rules of Senate and Assembly to require that standing committee hear and consider only information made available to public. Committee on Elections and Procedures. 706, 908, 926, 972, 977.

33....Directs Legislative Commission to conduct interim study to consider appropriate division of fiscal responsibility for programs and services between state and local governments. Giunchigliani, Freeman, Bache, Monaghan, Manendo, Chowning, Anderson, Perkins, Price, Williams, Schneider, Braunlin, Steel, Goldwater, Bennett, Ohrenschall and Close. 727, 1872, 1909, 1914, 1940, 1941, 1942, 2112, 2134, 2153, 2157, 2160.

34....Memorializes late Jeanne D. Dini. Anderson, Allard, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman,

No. *Summary, Introducer and Page Reference*

Giunchigliani, Goldwater, Harrington, Hettrick, Manendo, Nolan, Lambert, Neighbors, Marvel, Krenzer, Humke, Monaghan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams. 776, 780, 783, 816.

35....Memorializes Russell W. McDonald. Dini, Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams. 784, 818, 838.

36....Expresses support for Nevada's Comprehensive School Health Program. Committee on Health and Human Services. 801.

37....Recognizes square dance as American folk dance. Schneider, Steel and Segerblom. 815, 878, 898.

38....Directs Legislative Commission to conduct interim study concerning management of housing programs in Nevada. Committee on Elections and Procedures. 841, 1872, 1909, 1915, 1940, 1944, 2112, 2134, 2153, 2157, 2160.

39....Designates Director of Legislative Counsel Bureau as energy retrofit coordinator for buildings occupied by legislative branch of government. Committee on Elections and Procedures. 841, 970, 987, 1612, 1672.

40....Proclaims month of May as "Asian Pacific Heritage Month" in Nevada. Spitler, Giunchigliani, Close, Allard, Price, Brower, Chowning, Dini, Tiffany, Williams, Buckley, Sandoval, Krenzer, Hettrick, Nolan, de Braga, Segerblom, Ohrenschall, Arberry, Freeman, Neighbors, Harrington, Batten, Evans, Tripple, Marvel, Goldwater, Carpenter, Bache, Ernaut, Fettic, Lambert, Stroth, Steel, Anderson, Schneider, Humke, Braunlin, Monaghan, Bennett, Perkins and Manendo. 884, 886, 896, 922.

41....Memorializes veteran educator from Clark County, H. P. Fitzgerald. Williams, Arberry, Freeman, Manendo, Harrington, Spitler, Krenzer, Nolan, de Braga, Segerblom, Neighbors, Bennett, Braunlin, Goldwater, Fettic, Steel, Schneider, Ohrenschall, Price, Batten, Carpenter, Perkins, Bache, Chowning, Giunchigliani, Anderson, Monaghan, Evans, Brower, Buckley, Sandoval, Tiffany, Marvel, Lambert, Tripple, Humke, Dini, Hettrick, Ernaut and Close. 926, 929, 958, 985.

42....Urges school districts and Board of Regents of University of Nevada to develop and provide training regarding child abuse. Committee on Education. 1030, 1243, 1261, 1269, 1709, 1832, 1833, 1926, 2110.

43....Directs Legislative Commission to continue interim study of structure and functioning of Legislative Counsel Bureau. Committee on Elections and Procedures. 1060.

44....Commends Communications Workers of America Local 9413 for public service at Veterans Administration Medical Center in Reno. Anderson, Allard, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams. 1060, 1061, 1113, 1115, 1131, 1185.

45....Memorializes former Assemblyman and civic leader, George Rudiak. Buckley, Goldwater, Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams. 1209, 1281, 1323.

46....Urges Division of Wildlife of State Department of Conservation and Natural Resources to prepare statewide elk management plan. Committee on Natural Resources, Agriculture and Mining. 1211, 1490, 1540, 1627, 1881, 2003.

47....Commends native son Grant Bowler for his public service to State of Nevada. Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams. 1261, 1263, 1281, 1323.

48....Directs Legislative Commission to conduct interim study of effects of reorganization of executive department of state government. Bache, Neighbors, Ernaut, Giunchigliani, Carpenter, de Braga, Humke, Ohrenschall, Goldwater, Manendo, Price, Arberry, Spitler, Lambert, Braunlin, Segerblom, Harrington, Anderson, Buckley, Sandoval, Williams, Krenzer, Tiffany, Perkins, Evans and Chowning. 1550.

49....Directs Legislative Commission to conduct interim study of competition in generation, sale and transmission of electrical energy. Braunlin, Neighbors, Allard, Anderson, Arberry, Bache, Batten, Bennett, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Manendo, Marvel, Monaghan, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams. 1609, 1610, 1872, 1909, 1916, 1940, 1941, 1942, 2112, 2134, 2153, 2157, 2158, 2160.

No. *Summary, Introducer and Page Reference*

50....Commends Junior League of Las Vegas for pursuing issues related to children. Krenzer, Freeman, Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams. 1779, 1780, 1830, 2003.

51....Provides for compensation of clergy for services rendered to Assembly and Senate during 68th session of Nevada Legislature. Committee on Elections and Procedures. 1873, 1980, 2110.

52....Commends Chief and staff of State Printing and Micrographics Division of Department of Administration for services rendered to Nevada Legislature. Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams. 1932, 1942, 1980, 2110.

53....Limits number of requests that may be submitted to Legislative Counsel during interim for drafting and directs completion of 1,000 bill drafts before convening of 69th session of Nevada Legislature. 1996, 2046, 2049, 2111.

ASSEMBLY RESOLUTIONS

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1....Provides for appointment of attaché. Committee on Elections and Procedures. 21, 73.

2....Provides allowances for periodicals, stamps, stationery and communications. Committee on Elections and Procedures. 21, 73.

3....Adopts Standing Rules of Assembly for 68th session. Committee on Elections and Procedures. 52, 83.

4....Provides for appointment of additional attaché. Committee on Elections and Procedures. 93, 112.

5....Amends Standing Rules of Assembly to allow consideration of resolutions to memorialize, congratulate or commend only at certain time. Committee on Elections and Procedures. 147, 245, 499.

6....Amends Standing Rules of Assembly to add two members to Standing Committee on Health and Human Services. Committee on Elections and Procedures. 266, 277, 283.

7....Provides for appointment of additional attaché. Committee on Elections and Procedures. 273, 289.

8....Expresses disapproval of certain recent actions of Governor and Attorney General of State of Nevada. Ernaut, Neighbors, Hettrick, Tiffany, Braunlin, Lambert, Nolan, Harrington, Tripple, Bennett, Marvel, Humke, Close, Stroth, Carpenter, Batten, Steel, Allard, Brower, Sandoval, Monaghan and Fettic. 330, 331, 344, 345, 372, 380, 381,* 398.

9....Expresses commitment to and support for ideals and concepts of properly designed affirmative action programs. Batten, Williams and Arberry. 710, 787, 797, 816.

10....Provides for appointment of additional attaché. Committee on Elections and Procedures. 909, 969.

11....Commends loved ones of members of Assembly for their support. Committee on Elections and Procedures. 929, 985.

12....Provides for appointment of additional attaché. Committee on Elections and Procedures. 1297, 1480.

13....Designates certain members of Assembly as regular and alternate members of Legislative Commission. Dini and Hettrick. 1444, 1577.

14....Commends Pat Hatch, former Supervisor of Secretarial Staff of Assembly. Dini, Price, Marvel, Humke, Arberry, Lambert, Carpenter, Evans, Freeman, Williams, Anderson, Bache, Giunchigliani, Spitler, Chowning, de Braga, Ernaut, Hettrick, Neighbors, Perkins, Schneider, Segerblom, Tiffany, Krenzer, Allard, Batten, Bennett, Braunlin, Brower, Buckley, Close, Fettic, Goldwater, Harrington, Manendo, Monaghan, Nolan, Ohrenschall, Sandoval, Steel, Stroth and Tripple. 1484, 1618.

15....Expresses appreciation to Chief Clerk and staff of front desk of Assembly for dedication and outstanding performance. Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams. 1935.

16....Commends certain attachés of Assembly for their dedicated service during 68th session of Nevada Legislature. Committee on Elections and Procedures. 2031.

17....Commends Speakers pro Tempore for their service. Freeman, Segerblom, de Braga, Steel, Braunlin, Ohrenschall, Krenzer, Stroth, Giunchigliani, Lambert, Monaghan, Chowning, Tripple, Brower and Buckley. 2046.

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442....1337, 1406, 1944, 1969, 1989, 2049, 2075,* 2144.
443....1337, 1407, 1690, 1691, 1702, 1729, 1733,* 1872, 1929, 1989, 1990.
444....1954, 1959, 1966, 1967, 1968.
446....1300, 1549, 1573, 1574, 1580, 1582,* 1831, 1929.
447....841, 844, 1242, 1249, 1252, 1270,* 1323.
448....1137, 1143, 1778, 1789, 1823, 1876, 1922,* 1980.
452....1601, 1602.
454....896, 899, 1674, 1691, 1703, 1740,* 1929.
455....1549, 1574, 1674, 1691, 1703, 1740,* 1929.
456....856, 858, 1483, 1497, 1521, 1541, 1546,* 1831, 1881, 1914, 1925, 1953,*.
458....739, 740, 1539, 1545, 1549, 1550, 1580, 1583, 1600, 1603, 1604, 1617, 1621, 1657, 1658,* 1755, 1830, 1831, 1881, 1969, 1976, 1978, 2093.
460....896, 899, 1131, 1141, 1152, 1160, 1240.
462....1337, 1407, 1620, 1627, 1646, 1696,* 1868.
463....1137, 1143, 1777, 1789, 1825, 1876, 1922,* 1980, 2110.
464....1465, 1697, 1705, 1706, 1740, 1918, 1925, 1953,*.
465....896, 900, 1067, 1074, 1082, 1123, 1141,* 1142, 1206.
467....1586, 1602, 1674, 1691, 1703, 1742, 1763, 1767, 1768,* 1929.
468....961, 963, 1741, 1754, 1861,* 2003.
469....818, 821, 1058, 1063, 1074, 1082, 1123, 1142,* 1206.
470....1336, 1407, 1675, 1691, 1703, 1742,* 1929.
471....1926, 1932, 1943, 1964,*.
473....1465, 1539, 1545, 1569, 1584,* 1706.
474....1029, 1033, 1620, 1627, 1646, 1675, 1694, 1711, 1729, 1782, 1858,* 1932, 2003.
475....841, 844, 1620, 1627, 1648, 1696,* 1868.
476....961, 963, 1162, 1163, 1184, 1195, 1225,* 1280.
477....1137, 1143, 1620, 1627, 1648, 1675, 1694,* 1831, 1929, 1991.
479....1549, 1574, 1904, 1941, 1962,*.
481....961, 963.
482....1697, 1698, 1708, 1741, 1754, 1862,* 2003.
483....1261, 1265, 1601, 1605, 1612, 1661,* 1775.
485....1697, 1698, 1777, 1789, 1826, 1925, 1953,*.
488....1281, 1282, 1490, 1497, 1524, 1547,* 1672, 1720.
489....1549, 1574, 1943, 1944, 1954, 1955, 2005, 2028,* 2112.
490....1831, 1855, 1954, 1960, 2004, 2028, 2029,*.
491....1631, 1649, 1881, 1899, 1903, 1939, 1951,* 2092.
492....1297, 1298, 2029, 2030, 2041, 2109,* 2153, 2156, 2172, 2175, 2180.
493....1040, 1615, 1617, 1661,* 1775.
494....1209, 1211, 1966, 1968,*.
495....2045, 2050.

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496....961, 963, 1490, 1497, 1524, 1541, 1546,* 1755, 1868.
497....1491, 1498, 1708, 1741, 1754, 1862,* 2003.
498....1586, 1602, 1708, 1741, 1754, 1862,* 1863, 1865,* 2003.
501....1631, 1649, 1871, 1880, 1889, 1939, 1951, 1952, 1965,* 2092.
503....1118, 1120, 1539, 1545, 1569, 1584,* 1706.
504....1465, 1539, 1545, 1569, 1584, 1585,* 1706, 2015.
505....1281, 1282, 1674, 1691, 1703, 1729, 1733,* 1980, 2110.
506....1631, 1649, 1828, 1830, 1854, 1876, 1922,* 1980, 2110.
513....961, 963, 1155, 1163, 1184, 1195, 1225,* 1280, 1343, 1344, 1346.
514....979, 980.
516....1631, 1649, 1777, 1789, 1826, 1925, 1961,*.
517....1137, 1143, 1778, 1789, 1826, 1876, 1922,* 1923, 1980, 2110.
518....1194, 1545, 1569, 1585,* 1706.
519....1465, 1466, 1708, 1741, 1754, 1782, 1858,* 1932, 2003.
520....1118, 1120, 1264, 1274, 1278, 1285,* 1440, 2124, 2125.
522....1040, 1162, 1163, 1184, 1195, 1225,* 1280.
523....1040, 1186, 1193, 1205, 1225, 1226,* 1280.
524....1040, 1325, 1337, 1404, 1460, 1499,* 1618.
525....1040, 1325, 1337, 1404, 1460, 1499, 1500,* 1618.
526....1137, 1143, 1741, 1754, 1782, 1859,* 1932, 2016, 2093, 2094, 2112.
527....1040, 1325, 1337, 1404, 1460, 1500,* 1618.
528....1040, 1041, 1325, 1337, 1404, 1460, 1500,* 1618.
531....1162, 1165, 1674, 1691, 1704, 1730, 1789, 1862, 1876, 1923,* 1980, 2110.
535....1040, 1041.
536....1300, 1301, 1620, 1627, 1648, 1675, 1694,* 1980, 2110.
537....1483, 1487.
538....1755, 1756, 2005, 2030, 2113, 2118, 2138, 2144,* 2146,* 2165.
539....1040, 1041, 1208, 1223, 1239, 1243, 1249,* 1465, 1480, 1549, 1839, 1873, 1929.
541....1465, 1466, 1881, 1914, 1924,* 2110.
542....1926, 1931, 1943, 1964,*.
543....1261, 1265, 1580, 1586, 1599, 1621, 1658,* 1831, 1929.
544....1226, 1227, 1260, 1274, 1278, 1285,* 1440.
545....1243, 1246, 1539, 1545, 1569, 1585, 2172.
546....1498, 1731, 1741, 1755, 2044, 2049, 2050, 2119, 2120, 2158, 2159, 2161, 2162,* 2180.
547....1261 1265, 1981, 1999,*.
549....1162, 1165, 1674, 1691, 1704, 1742,* 1929.
550....1697, 1698, 1966, 1969, 1990, 2029, 2050,* 2144.
551....1226, 1227, 1260, 1274, 1279, 1285,* 1440.
553....1297, 1298, 1539, 1545, 1569, 1585,* 1706.
554....1755, 1756.
555....1831, 1855.
556....1966, 1981, 2045, 2051,*.
557....1226, 1227, 1777, 1789, 1828, 1925, 1962,*.
558....1226, 1227, 1443, 1461, 1480, 1500,* 1618.
560....1631, 1649, 1931, 1969, 1992, 2049, 2108,* 2153.
561....1281, 1282, 1612, 1615, 1621, 1658,* 1831, 1929.

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562....1336, 1407, 1482, 1497, 1524, 1547,* 1672.
565....1755, 1756, 1880, 1914, 1924,* 1925, 2110.
566....1872, 1874, 1954, 1968,*.
567....1490, 1498, 1580, 1586, 1600, 1661,* 1775, 1889.
568....1926, 1931, 1943, 1964,*.
569....1872, 1874, 2004, 2030, 2043, 2119,* 2161.
570....1831, 1856, 1917, 1941, 1962, 1963,*.
571....1631, 1649, 1741, 1755, 1862,* 2003.
572....1697, 1698, 1830, 1856,* 1857, 1929.

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573....1831, 1856, 1917, 1941, 1963.
574....1872, 1874, 1943, 1960, 1961,* 1962.
575....1954, 1959.
576....1872, 1874, 1932, 1943, 1964, 1965,*.
577....1926, 1932, 1943, 1960, 1961,* 1962.
578....1966, 1981.
579....1926, 1927, 1954, 1955, 1997, 1998, 1999,* 2092, 2143, 2158, 2165, 2172.
580....1943, 1944, 1950,*.
581....2092, 2093, 2136, 2162,* 2180.
582....2082, 2092, 2093, 2111, 2120,*.

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2....228, 501, 519, 527,* 551.
3....523, 524, 984, 1000, 1040, 1066,* 1152.
4....248, 249, 451, 473, 484,* 505.
6....896, 898, 957, 958, 964, 965,* 1026.
7....489, 1112, 1123, 1127, 1132, 1137,* 1138, 1209, 1240.
8....414, 415, 542, 557, 569, 601, 613,* 638.
9....291, 292, 542, 557, 569, 601, 613,* 614, 638.
10....1162, 1163.
11....1074, 1077, 1260, 1274, 1279, 1285,* 1286, 1440.
12....414, 416, 840, 867, 903,* 971, 980, 1059, 1254, 1261, 1280.
13....222, 223,* 225.
14....437, 876, 900, 909, 922, 955,* 985.

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15....321, 559, 600, 614,* 638.
16....321, 542, 557, 569, 601, 614,* 638.
17....523, 524, 1162, 1163, 1184, 1188, 1327, 1335,* 1538.
18....523, 524.
20....856, 1326, 1337, 1404, 1460, 1500,* 1501, 1618.
21....1059, 1060, 1482, 1497, 1524, 1547, 1548,* 1672.
22....1243, 1245, 1443, 1461, 1480, 1501,* 1618.
23....1243, 1245, 1336, 1337, 1405, 1460, 1501,* 1618.
24....1465, 1618, 1661,* 1662, 1775.
25....1137, 1142, 1242, 1249, 1252, 1271,* 1323.
26....1586, 1601, 1829, 1830, 1855, 1878, 1914, 1925, 1962,*.

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2....184, 253, 262, 269, 276,* 308.
23....828, 830, 970, 1000, 1040, 1066, 1067,* 1152.

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25....184.
27....228, 542, 557, 569, 601, 614,* 638.

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11....681, 682, 1028, 1059, 1064, 1110.
12....215, 231.
13....243, 262.
15....342, 343, 406.
16....1131, 1132, 1443, 1484, 1492, 1577.
17....390, 396, 428.
19....408, 409, 448.
20....1194, 1544, 1570, 1627, 1755, 1868.
21....485, 505.
22....510, 517, 551.
23....689, 858, 877, 922.
24....537, 557.
25.... 537, 538, 557.
26....581, 582, 638.
27....583, 638.
29....641, 644, 685.
30....2005, 2046, 2049.
31....1194.
32....1483, 1487, 1778, 1873, 2110.

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33....747, 806.
34....749, 806.
35....773, 825.
36....774, 825.
38....1131, 1132, 1483, 1540, 1544, 1618.
39....809, 838.
40....2005, 2006, 2046, 2049.
42....917, 969.
43....926, 931, 1026.
44....934, 935, 985.
45....934, 935, 985.
46....1029, 1030, 1110.
47....1059, 1060, 1064, 1152.
48....1113, 1115, 1185.
49....1132, 1206.
52....2005, 2006, 2046, 2049.
53....1213, 1214, 1223, 1280.
55....1244, 1293.
58....1297, 1480.
59....2005, 2006, 2046, 2049, 2050.
60....1586, 1601, 1829, 1873, 1909, 1914, 2110.
61....1779, 1780, 1829, 1929.
62....1790, 1808, 1829, 2003.

ELECTED OFFICERS OF THE NEVADA STATE ASSEMBLY

Sixty-eighth Session, 1995

Title	*Name*	*Mailing Address*
Speaker	Joseph E. Dini, Jr.	104 N. Mountain View, Yerington 89447
Speaker	Lynn C. Hettrick	1475 Glenwood Drive, Gardnerville 89410
Speaker pro Tempore	Jan Evans	3250 Wilma Drive, Sparks 89431
Speaker pro Tempore	Sandra J. Tiffany	75 Quail Run Road, Henderson 89014
Chief Clerk	Mouryne B. Landing	P.O. Box 138, Carson City 89702

PERSONNEL OF THE NEVADA STATE ASSEMBLY

Sixty-eighth Session, 1995

District	*Name and Party*	*Mailing Address*
Carson City (part), Washoe (part), No. 37	Ernaut, Peter G. (Pete) (R)	8281 Dixon, Reno 89511
Carson City (part), No. 40	Fettic, Thomas W. (R)	23 Zephyr Circle, Carson City 89706
Clark, No. 1	Monaghan, Jan (R)	4024 San Diego St., North Las Vegas 89030
Clark, No. 2	Harrington, William Z. (Bill) (R)	2020 Homeview Court, Las Vegas 89117
Clark, No. 3	Brower, Maureen E. (R)	1401 Arville St., Las Vegas 89102
Clark, No. 4	Braunlin, Deanna (R)	2251 N. Rampart Blvd., No. 378, Las Vegas 89128
Clark, No. 5	Stroth, Jeannine (R)	1617 S. Decatur, Las Vegas 89102
Clark, No. 6	Williams, Wendell P. (D)	2200 Canary Way, Las Vegas 89106
Clark, No. 7	Arberry, Morse, Jr. (D)	1330 Virginia City Ave., Las Vegas 89106
Clark, No. 8	Buckley, Barbara E. (D)	5481 Supai Dr., Las Vegas 89103
Clark, No. 9	Giunchigliani, Christina R. (Chris) (D)	706 Bracken Ave., Las Vegas 89104
Clark, No. 10	Goldwater, David (D)	230 E. Flamingo, No. 114, Las Vegas 89109
Clark, No. 11	Bache, Douglas A. (D)	2236 Melinda Ave., Las Vegas 89101
Clark, No. 12	Ohrenschall, Genie (D)	1124 S. 15th St., Las Vegas 89104
Clark, No. 13	Nolan, Dennis (R)	P.O. Box 82194, Las Vegas 89180
Clark, No. 14	Bennett, Max (R)	1355 Ebbetts Pass, Las Vegas 89110
Clark, No. 15	Close, Jack (R)	4153 Ridgecrest Dr., Las Vegas 89121
Clark, No. 16	Steel, Dianne (R)	1256 E. Hacienda Ave., No. C, Las Vegas 89119
Clark, No. 17	Price, Robert E. (Bob) (D)	P.O. Box 3759, North Las Vegas 89030
Clark, No. 18	Manendo, Mark (D)	4629 Butterfly Circle, Las Vegas 89122
Clark, No. 19	Krenzer, Saundra (Sandi) (D)	1695 Shatz, Las Vegas 89110
Clark, No. 20	Allard, Dennis L. (R)	5409 Langston Circle, Las Vegas 89130
Clark, No. 21	Tiffany, Sandra (R)	75 Quail Run Rd., Henderson 89014

District	*Name and Party*	*Mailing Address*
Clark, No. 22	Segerblom, Gene W. (D)	P.O. Box 61136, Boulder City 89006
Clark, No. 23	Perkins, Richard (D)	408 Glasgow St., Henderson 89015
Clark, No. 28	Chowning, Vonne (D)	% Shamrock Real Estate Service, 2015 Carroll St., North Las Vegas 89030
Clark, No. 41	Spitler, Larry L. (D)	3908 Tudur Lane, Las Vegas 89119
Clark, No. 42	Schneider, Michael A. (Mike) (D)	6381 Sandpiper Way, Las Vegas 89103
Douglas, Carson City (part), No. 39	Hettrick, Lynn (R)	1475 Glenwood Dr., Gardnerville 89410
Elko (part), No. 33	Carpenter, John C. (R)	P.O. Box 190, Elko 89803
Esmeralda, Lincoln, Mineral, Nye, No. 36	Neighbors, P. M. Roy (D)	P.O. Box 33, Tonopah 89049
Humboldt, Pershing, Elko (part), Eureka (part), Lander (part), No. 34	Marvel, John W. (R)	P.O. Box 1270 (416 S. Scott), Battle Mountain 89820
Lyon, Storey, Carson City (part), No. 38	Dini, Joseph E., Jr. (D)	104 N. Mountain View, Yerington 89447
Washoe, No. 24	Freeman, Vivian L. (D)	1665 Carlin St., Reno 89503
Washoe, No. 25	Sandoval, Brian (R)	4145 Falling Water Dr., Reno 89509
Washoe, No. 26	Humke, David E. (R)	P.O. Box 70656, Reno 89570
Washoe, No. 27	Batten, Thomas (R)	2400 Harvard Way, No. 135, Reno 89502
Washoe, No. 29	Lambert, Joan A. (R)	55 Bitterbrush Rd., Reno 89523
Washoe, No. 30	Evans, Jan (D)	3250 Wilma Dr., Sparks 89431
Washoe, No. 31	Anderson, Bernie (D)	747 Glen Meadow Dr., Sparks 89434
Washoe, No. 32	Tripple, Patricia A. (R)	120 Redstone Dr., Reno 89512
Churchill, White Pine, Eureka (part), Lander (part), No. 35	de Braga, Marcia (D)	11050 Fitz Lane, Fallon 89406

ATTACHÉS OF THE NEVADA STATE ASSEMBLY

Sixty-eighth Session, 1995

Name	*Title*	*City of Residence*
Carol L. Moore	Assistant Chief Clerk	Carson City
Lucinda Benjamin	History Clerk	Schurz
Linda Alden	Journal Clerk	Carson City
Donna Schumacher	Minute Clerk	Carson City
Jason Hataway	Sergeant at Arms	Virginia City
Emily Nelson	Assistant Sergeant at Arms	Reno
Terry Sullivan	Assistant Sergeant at Arms	Carson City
Rebecca Lawson	Senior Page	Carson City
Joe Crawford	Page	Carson City
Nicole Geissler	Page	Carson City
Michael Wiese	Page	Reno
Vicki E. Shell	Supervisor of Secretarial Staff	Carson City
Christine Shaw	Assistant Supervisor of Secretarial Staff	Carson City
Betty Day	Speaker's Secretary	Silver Springs
Cindy Southerland	Speaker's Secretary	Carson City
Barbara Moss	Speaker pro Tempore's Secretary	Carson City
Marcelene Wehry	Speaker pro Tempore's Secretary	Reno
Kelly Christie	Floor Leader's Secretary	Reno
Maria Kelderman	Floor Leader's Secretary	Carson City
Laverna Marwin	Leadership Receptionist	Carson City
Carolyn Maynick	Chief Clerk's Secretary	Carson City
Yhvona Martin	Senior Committee Secretary	Carson City
Iris Bellinger	Committee Secretary	Silver Springs
Jennifer Carnahan	Committe Secretary	Reno
Linda Corbett	Committee Secretary	Reno
Joi Davis	Committee Secretary	Minden
Carolyn Grabski	Committee Secretary	Carson City
C. Dale Gray	Committee Secretary	Reno
Jonnie Sue Hansen	Committee Secretary	Carson City
Patricia Hicks	Committee Secretary	Schurz
Terry Horgan	Committee Secretary	Carson City
Sara Kaufman	Committee Secretary	Dayton
Nykki Kinsley	Committee Secretary	Las Vegas
Kelly Liston	Committee Secretary	Carson City
Patricia Menath	Committee Secretary	Carson City
Bobbie Mikesell	Committee Secretary	Carson City
Barbara Prudic	Committee Secretary	Carson City
Deborah Salaber	Committee Secretary	Reno
Denise Sins	Committee Secretary	Carson City
Jacqueline Sneddon	Committee Secretary	Minden
Janine Sprout	Committee Secretary	Markleeville
Frankie Valley	Committee Secretary	Carson City
Irene Martinez Davis	Secretary	Gardnerville
Kathleen Day	Secretary	Carson City
Carol Dickerson	Secretary	Reno
Cecilia Hackman	Secretary	Gardnerville
Donna Hancock	Secretary	Carson City
Frances Hill	Secretary	Carson City

Name	*Title*	*City of Residence*
Susan Hult	Secretary	Carson City
Sylvia Mays	Secretary	Carson City
Barbara Pryor	Secretary	Gardnerville
Mary E. Sitts	Secretary	Carson City
Marlene Staub	Secretary	Carson City
Stephen Thompson	Secretary	Carson City
Bonnie Borda	Data Control Clerk	Carson City
Ellen Hanners	Proofreader	Carson City
Dyan Merritt	Copy Room Coordinator	Silver Springs
Sally Dunfield	Supervisor of Bill Clerks	Carson City
Mary Carel	Assistant Supervisor of Bill Clerks	Carson City
Edward Cordisco, Jr.	Assistant Supervisor of Bill Clerks	Carson City
Melvin Cowperthwaite	Bill Clerk	Carson City
Robert Evans	Bill Clerk	Carson City
Lois A. LaHair	Bill Clerk	Carson City
Martha Laird	Bill Clerk	Carson City
Kevin Magrane	Bill Clerk	Carson City
Ron Marwin	Bill Clerk	Carson City
Reid Meyer	Bill Clerk	Carson City
Barbara Morgan	Bill Clerk	Carson City
Bob Peterson	Bill Clerk	Carson City
Mike Pintar	Bill Clerk	Carson City
Shanna Pozzi	Bill Clerk	Carson City
Frank Richer	Bill Clerk	Carson City
Mary Ruth Rasmussen	Bill Clerk	Carson City
Mary Smith	Bill Clerk	Carson City

VOLUME 1

THE FIRST DAY—THE ONE HUNDRED AND FORTY-FOURTH DAY

Journal

OF THE

ASSEMBLY OF THE STATE OF NEVADA

SIXTY-EIGHTH SESSION

THE FIRST DAY

CARSON CITY (Monday) January 16, 1995

Pursuant to the provisions of the Constitution and Statutes, the Assembly was called to order by Secretary of State Dean Heller at 12 noon.

Prayer by the Chaplain, the Reverend David Camp.

Our nation honors Dr. Martin Luther King, Jr. this day. Thirty plus years ago, Dr. King shared a dream that all people would have equality. His vision lives on. Let us pray: "O, Lord our God, we pray that You will bless these persons chosen by the people of this State, for You know them, their needs, their motives, their hopes and their fears. Lord, give them strength and speak to them to give them wisdom greater than their own. We pray this to Your glory. AMEN.

Presentation of Colors by Boy Scout Honor Guard, Boulder Dam Area Council.

The following poem was read by Eric Coskey:

Sixty-two years ago on February 6, 1933, the Legislature adopted "Home Means Nevada" as the official State Song. Mrs. Bertha Raffetto of Reno wrote it to honor the State.

"HOME MEANS NEVADA"

'Way out in the land of the setting sun,
Where the wind blows wild and free,
There's a lovely spot, just the only one
That means home sweet home to me.
If you follow the old Kit Carson trail,
Until the desert meets the hills,
Oh, you certainly will agree with me,
Its a place of a thousand thrills.

"Home," means Nevada, "Home," means the hills,
"Home," means the sage and the pines.
Out by the Truckee's silvery rills,
Out where the sun always shines,
There is the land that I love the best,
Fairer than all I can see.
Right in the heart of the golden west
"Home" means Nevada to me.

Whenever the sun at the close of day
Colors all the western sky,
Oh, my heart returns to the desert grey
And the mountains tow'ring high.
Where the moon beams play in shadowed glen
With the spotted fawn and doe
All the livelong night until morning light
Is the loveliest place I know.

Pledge of allegiance to the Flag.

Mr. Secretary of State requested Mrs. Mouryne B. Landing to serve as temporary Chief Clerk of the Assembly.

Mr. Secretary of State requested the following rules for organization be entered in the Journal:

RULES FOR ORGANIZATION OF THE NEVADA ASSEMBLY
1995 LEGISLATIVE SESSION

In order to ensure a smooth beginning to the 1995 session of the Nevada Assembly, the following rules are hereby agreed to and will be included in the Journal of January 16, 1995:

1. Whenever the Secretary of State directs Mrs. Landing to call the roll of the Assembly, all 42 names of the members-elect will be called.

2. Assemblymen Evans and Giunchigliani will assume their seats on the Assembly floor. Their names will not be draped. They will be able to participate in the organization of the Assembly. They will be able to vote on all organizational matters involving the Assembly. They will also be able to vote on their contest of election, should they choose to do so.

3. During the ceremony all 42 assemblymen-elect will stand to take the oath of office. Only those members having a certificate of election will be called to the rostrum to subscribe to oath.

4. A special committee will be appointed to hear both election challenges. The committee will consist of the following, the first two-named members being the co-chairs:

Assemblymen Lambert, Spitler, Price, Anderson, Buckley, Perkins, Close, Hettrick, Sandoval and Tiffany.

The attached copy of revised rule 45 will govern the hearing.

5. With the exception of this rule, revised rule 45, and a resolution honoring Martin Luther King, Jr., to the greatest extent feasible, the Assembly will conduct no business until the contest of election hearings are finished, so as to allow all members of the Assembly to observe the hearings.

Dated This 16th Day of January, 1995.

DENNIS L. ALLARD
BERNIE ANDERSON
MORSE ARBERRY, JR.
DOUGLAS A. BACHE
THOMAS BATTEN
MAX BENNETT
DEANNA BRAUNLIN
MAUREEN E. BROWER
BARBARA E. BUCKLEY
JOHN C. CARPENTER
VONNE CHOWNING
JACK D. CLOSE
MARCIA DE BRAGA
JOSEPH E. DINI, JR.
PETER G. ERNAUT
JAN EVANS
THOMAS W. FETTIC
VIVIAN L. FREEMAN
CHRISTINE R. GIUNCHIGLIANI
DAVID GOLDWATER
WILLIAM Z. HARRINGTON
LYNN HETTRICK
DAVID E. HUMKE
SAUNDRA KRENZER
JOAN A. LAMBERT
MARK MANENDO
JOHN W. MARVEL
JAN MONAGHAN
ROY NEIGHBORS
DENNIS NOLAN
GENIE OHRENSCHALL
RICHARD PERKINS
ROBERT E. PRICE
BRIAN SANDOVAL
MICHAEL A. SCHNEIDER
GENE W. SEGERBLOM
LARRY L. SPITLER
DIANNE STEEL
JEANNINE STROTH
SANDRA TIFFANY
PATRICIA A. TRIPPLE
WENDELL P. WILLIAMS

Mr. Secretary of State requested that the Chief Clerk call the roll of the 42 Assemblymen-elect.

Roll called.

Present: Assemblymen Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple, Williams.

Mr. Secretary of State appointed Assemblymen Lambert, Spitler, Close, Anderson, Hettrick, Buckley, Sandoval, Perkins, Tiffany and Price as a temporary Committee on Credentials.

Assembly in recess at 12:10 p.m.

ASSEMBLY IN SESSION

At 12:34 p.m.

Mr. Secretary of State presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Secretary of State:

Your temporary Committee on Credentials has had the credentials of the respective Assemblymen-elect under consideration, and begs leave to report that the following persons have been and are duly elected and qualified members of the Assembly of the 68th Session of the Legislature of the State of Nevada: Assemblymen Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Fettic, Freeman, Goldwater, Harrington, Hettrick,

Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple, Williams.

JOAN LAMBERT, *Chairman*
LARRY L. SPITLER, *Chairman*

Assemblyman Spitler moved the adoption of the report.

Motion carried unanimously.

Mr. Secretary of State appointed Assemblymen Braunlin and de Braga as a committee to escort Chief Justice Thomas L. Steffen of the Supreme Court of the State of Nevada to the rostrum to administer the oaths of office to the Assemblymen.

Chief Justice Steffen administered the oaths of office to the Assemblymen.

Assemblyman Lambert moved that Chief Justice Steffen be given a unanimous vote of thanks for administering the oath.

Motion carried unanimously.

The appointed committee escorted the Chief Justice of the Supreme Court to the bar of the Assembly.

Mr. Secretary of State requested the Chief Clerk call the roll of those Assemblymen for whom Certificates of Election have been issued.

Roll called.

Present: Assemblymen Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Fettic, Freeman, Goldwater, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple, Williams.

Mr. Secretary of State announced that there would be no temporary organization of the Assembly, and that all nominations were in order for permanent appointment.

Mr. Secretary of State declared that nominations were in order for Speaker.

Assemblyman Perkins nominated Assemblymen Dini and Hettrick for Co-Speakers.

Assemblyman Ernaut moved that nominations be closed.

Motion carried unanimously.

Mr. Secretary of State declared Assemblymen Dini and Hettrick to be Co-Speakers of the Assembly.

Mr. Secretary of State appointed Assemblymen Spitler and Stroth as a committee to escort the Speakers to the rostrum.

Speakers Dini and Hettrick presiding.

Assemblyman Humke moved that Secretary of State Heller be given a unanimous vote of thanks for his services to the Assembly.

Motion carried unanimously.

Speaker Dini appointed Assemblymen Goldwater and Batten as a committee to escort the Secretary of State to the bar of the Assembly.

The appointed committee escorted Secretary of State Heller to the bar of the Assembly.

Remarks by Speaker Dini.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

SPEAKER DINI:

Thank you, and welcome to the 1995 Nevada Legislature. It is an honor to accept the Co-Speakership of this 68th Legislative Session.

For a moment, stop, look, listen, even pinch yourself if you like and drink in this instant. Today is a day which you will never forget.

When it comes to this great State of Nevada, twenty-one is usually thought of as a very lucky number, and usually twenty-two is not. However, twenty-two is a far preferable number at least when it comes to the organization of this Chamber.

No other topic has predominated the State Assembly news since the November 8th election like this Assembly split. To use the time tested phrase, in 1995 the Nevada Assembly is indeed share and share alike. Just as each of you members of this Assembly evenly share seats on the committees and the leadership of those committees, so too will the Speakership be shared.

Here I would like to pause and congratulate and publicly thank my Republican Co-Speaker Lynn Hettrick. In working together to determine details of this shared Speakership, he has been great to work with and has shown himself to be a gentleman. Lynn's a credit to his party and to this process as well.

And fellow Assemblymen and women, it's essential to remember that it's the process, not the split house result of the election that really counts. In discussions with my constituents, what they want to see, and I'll bet what your constituents want as well, from the 1995 Nevada Legislature, is for us to conduct the business of the people quickly, efficiently, and professionally.

Believe me, the people of this wonderful State which we are blessed to call home expect this assembly to address the issues which affect them including the budget, crime, education, health care, senior citizens, workers compensation, and much more.

Accomplishing that will take balance. It's balance that is called for and achievement which is far more on the minds of Nevadans than the numeric balance of this Assembly.

And there's going to be a learning curve involved from this moment forward. After all, there are are 19 freshmen here today.

Now, I've had a chance to meet many of you newcomers and I am truly impressed. Here we're talking about freshmen with some real talent - Republican and Democrat, Southerner and Northerner, young and not so young. But, still, it will take a little time for you to learn the ropes legislatively. However, I am confident that because of your enthusiasm and intelligence that this will occur rapidly.

Besides experience, there are other variables which will affect this session as well. Because I don't have a crystal ball, I can't tell you exactly what they will do. But there's one thing for sure . . . there is no place in this Assembly for grandstanding. The public has no appetite for showmanship or rhetoric.

Over the years, some legislators, and in most cases I'm talking about former legislators, made grandstanding their stock in trade. Nevada deserves better than that.

The vast majority of solid lawmakers do their homework, work hard for the bills of importance to their people and do so in a quiet and effective fashion. I suggest that's the right way to go.

In 1995, this great state of ours faces serious challenges—challenges which exist in part because of Nevada's tremendous growth. According to recent numbers, one in six Nevadans didn't live here as recently as just five years ago. Now there's something that will challenge all of us in committee and floor work and it underscores why we must focus on issues.

On this festive occasion, I don't want to dampen your enthusiasm. This is your day and your family's day. Enjoy it, you've earned it through all the hard work during your campaign which resulted in your election.

On a personal note, I'd like to thank my family and friends who have been so supportive during my campaign and during the months since then.

As you know, this is new territory for me with the absence of my greatest supporter and dearest friend who is unable to be here in person this session. However, I know that Jeanne joins us here today in spirit.

So, fellow Assemblymen and Assemblywomen, please join me. Let's roll up our sleeves, do the work of the people of Nevada and make this a legislative session of which the people of Nevada can be proud.

Some might suggest that this Assembly is a half empty glass. I encourage you to consider instead that it is half full.

I am humbled and honored to have earned the confidence of this chamber as its Co-Speaker. Thank you.

ASSEMBLYMAN ERNAUT:

Mr. Speaker, as someone who has a great deal of respect for you and your prestigious and unprecedented sixth term as Speaker of the esteemed body, I would like to extend to you my personal, as well as, all of my colleagues deepest gratitude. Your wisdom and leadership have emblazoned an indelible mark on the great State of Nevada and all of us here today. I wish you every best in this session and in all that you do. And with that, I request that your eloquent remarks be entered into the Journal for this Legislative Day.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

SPEAKER HETTRICK:

Thank you for your expression of support for me as Co-Speaker and, in keeping with the technological advancements of our era, welcome to the 68th session of the Nevada Legislature—the first session ever to be done in living stereo.

This session promises to be a historic one for many reasons. Nevadans are proud to be thought of as pioneering and independent, with a strong belief in personal freedoms and opportunity. In short, Nevada is a leader and dedicated to progress.

This session, the membership of the Nevada Legislature consists of 22 women 17 of whom will serve right here in our Assembly Chambers. This is by far the most women to have served in the Nevada Legislature and ranks us second from the top of the list when compared to other states—one example of leadership and progress.

It is also fitting on this day, that we both convene the session and honor a great American, Dr. Martin Luther King, Jr. The November election resulted in doubling the number of African-Americans serving in the legislature and our numbers represent the most African-Americans to have ever served in the Nevada Legislature—another example of the progress we are making as a state.

One of my favorite presidents, Dwight D. Eisenhower, who has recently begun receiving the historic recognition he deserves as a visionary President, once said, in a 1945 speech in Abilene, Kansas: "To define democracy in one word, we must use the word cooperation." I believe that in this session, we will see democracy flourish in all its glory because of the spirit of cooperation and that, too, will lead to progress.

The State of Michigan recently faced a split House of Representatives. Following the legislative session, the members stated it was the most productive session in memory. In fact, every single incumbent who sought re-election following that session was returned to office by the voters. Let us look upon our session with hope and a sense of opportunity.

The Nevada Assembly truly is the house of the people. In an effort to represent the people effectively and efficiently, we need to dispense with the people's business carefully, and in a more timely manner. In order to achieve this goal, I pledge to each of you, my best effort. And to the people of Nevada, I pledge the combined best effort of every member of this Assembly.

Thank you again—welcome. Let's go to work representing the citizens of the State of Nevada.

ASSEMBLYMAN PERKINS:

The election of Speaker Hettrick as Co-Speaker of the Assembly is truly an indication of bipartisan cooperation for the 1995 Legislative Session. He represents District No. 39 and is in his second term. He has faithfully served the citizens of District No. 39, as well as those, of this great state. In his short tenure as a member of these Chambers, Speaker Hettrick has distinguished himself to be a man of intellect and honor. I am confident that he will work closely with Speaker Dini to guide this historic session. Through their efforts, the 1995 Legislative Session will be judged a success for all Nevadans.

Speaker Hettrick declared that nominations were in order for Chief Clerk.

Assemblyman Marvel nominated Mouryne B. Landing to be Chief Clerk.

Assemblyman Price moved that nominations be closed.

Motion carried unanimously.

Speaker Hettrick declared Mrs. Mouryne B. Landing to be the Chief Clerk of the Assembly.

Speaker Dini appointed Assemblymen Carpenter, Brower and Chowning as a committee to inform the Senate that the Assembly was organized and ready for business.

Speaker Dini appointed Assemblymen Arberry, Freeman and Monaghan as a committee to inform the Governor that the Assembly was organized and ready for business.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate broadcasting facilities: Tom Warden, Darryl Nelson, Tracey Frohn, Mark Bradshaw, Polly Gonzalez, Sheila Strehle, John Norton, Keven Strehle, Eric Sorenson, KLAS-TV 8; Samuel C.C. Medrano, John Young, Omar Bryant, Bruce Clark, Lin Clark, KLBC-TV 2; Travis Lin, Rosemary Peacock, Mitch Fox, Lauren Nelson, Sara Ellis, David Santina, Reginald LaFrance, Marty Maybery, Kevin Fishel, Bill Pearce, Jim Parker, KNPB-TV 5; Joe Hart, Jennifer Krier, Ed Pearce, Sam Shad, KOLO-TV 8; Dennis Myers, Terri Hardesty, Jim Robinson, John Sasaki, Steve Arlitz, Gary Marquardt, Rick Dickins, Justin Gomez, Jim Ill, Lance Ing, KTVN-TV 2; Chris Long, Craig Swope, Tom Ainsworth, Wes James, Pat Loveless, Jock Scowcroft, Dan Van Enoo, Bruce Vaughn, KRNV-FM; Travus T. Hipp, KPTL-AM; Scott Dickinson, CONSTRUCTION NOTEBOOK; Susan Brockus, THE HUMBOLDT SUN; Jane Ann Morrison, Ed Vogel, Sean Whaley, Wayne Kodey, LAS VEGAS REVIEW-JOURNAL; Cy Ryan, LAS VEGAS SUN; Dorothy Kosich, MINING WORLD JOURNAL; Donald Ham, Patt Quinn-Davis, Sandi Wright, Dan Eilser, Kevin Jenkins, Troy Anderson, Geoff Dornan, Christy Chalmers, Anita Szoke, Sue Morrow, Eugene Jack, Pat Coyner, NEVADA APPEAL; Bill McGinty, Mike Norris, Brad Summerhill, NEVADA WEEKLY; Faith Bremner, Bill O'Driscoll, John Smetana, Scott Thomsen, Jean Dixon-Aiken, Tim Dunn, Joe Gosen, Marilyn Newton, David Parker, Craig Sailer, RENO GAZETTE-JOURNAL; Caren Benjamin, Sandra Chereb, Ira Gostin, Patrick Graham, Brendan Riley, Lennox

"Red" McLendon, ASSOCIATED PRESS; Lee Adler, REUTERS NEWS SERVICE, SALT LAKE TRIBUNE; Jon Ralston, LAS VEGAS REVIEW-JOURNAL, RENO GAZETTE-JOURNAL; Guy Shipler, KPTL-AM, NEVADA APPEAL, SACRAMENTO BEE; Adrienne Abbott, Dick De Witt, Ross Mitchell, Juli Haag, KOH-AM; Rex Gunderson, KUNR-FM.

Motion carried.

A committee from the Senate composed of Senators Augustine, Porter and Regan appeared before the bar of the Assembly and announced that the Senate was organized and ready for business.

Assemblyman Carpenter reported that his committee had informed the Senate that the Assembly was organized and ready for business.

Assemblyman Arberry reported that his committee had informed the Governor that the Assembly was organized and ready for business.

COMMUNICATIONS

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA 89710, January 9, 1995

THE HONORABLE JOSEPH E. DINI, JR., *Speaker of the Assembly,* THE HONORABLE LYNN HETTRICK, *Speaker of the Assembly,* Nevada State Legislature, Legislative Building, Carson City, Nevada 89710

DEAR JOE AND LYNN:

With permission of your honorable body, I propose to deliver my State of the State message to the 68th Session of the Nevada Legislature on January 18, 1995, at 7:00 p.m. My very best wishes to you and the Assembly for a productive and expeditious session. I look forward to working with you all during this legislative session.

Sincerely,

BOB MILLER
Governor

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA

OFFICE OF THE SECRETARY OF STATE

CARSON CITY, NEVADA, January 16, 1995

MOURYNE B. LANDING, *Chief Clerk of the Assembly,* Legislative Counsel Bureau, Carson City, Nevada 89710

DEAR MOURYNE:

Pursuant to NRS 293.427 I am transmitting the two election contests of the 1994 General Election for State Assembly which has been filed in my office. The contests are:

District 9—Kathy Von Tobel vs. Chris Giunchigliani;

District 30—Brendan Trainor vs. Jan Evans.

Please deliver to the presiding officer of the Assembly for consideration.

Sincerely,

DEAN HELLER
Secretary of State

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the following Procedure for Election Contests for 1995 be adopted.

PROCEDURE FOR ELECTION CONTESTS FOR 1995

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speaker shall, as soon as practicable, appoint a special committee to hear the contests. The committee shall conduct a hearing to consider each contest. The committee shall keep written minutes of the hearings. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the committee may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than Friday, January 20, 1995, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than Friday, January 20, 1995, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speaker shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speaker shall not adjourn the Assembly until it has declared a person to be elected.

4. The Speaker shall inform the Governor of the identity of the person declared to be elected by the Assembly.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Speaker Dini announced the following select committee assignment, the first two-named members of the committee being the chairmen:

SELECT COMMITTEE ON CREDENTIALS

ASSEMBLYMAN LAMBERT	ASSEMBLYMAN SPITLER
ASSEMBLYMAN CLOSE	ASSEMBLYMAN ANDERSON
ASSEMBLYMAN HETTRICK	ASSEMBLYMAN BUCKLEY
ASSEMBLYMAN SANDOVAL	ASSEMBLYMAN PERKINS
ASSEMBLYMAN TIFFANY	ASSEMBLYMAN PRICE

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

Assembly in recess at 2:35 p.m.

ASSEMBLY IN SESSION

At 5:36 p.m.

Speaker Dini presiding.

Quorum present.

REPORTS OF SELECT COMMITTEES

Mr. Speaker:

Your Select Committee on Credentials has had under consideration the contest filed against the election of Jan Evans; has heard the statements of the contestant and Mrs. Evans; and recommends that Mrs. Evans be issued the Certificate of Election from Assembly District No. 30.

JOAN LAMBERT, *Chairman*
LARRY SPITLER, *Chairman*

Assemblyman Lambert moved that the Assembly adopt the Report of the Select Committee on Credentials.

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 5:37 p.m.

ASSEMBLY IN SESSION

At 5:51 p.m.

Speaker Dini presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 16, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 1.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblyman Arberry.

Assemblyman Arberry requested that his remarks be entered in the Journal.

The authors of the Nevada Constitution had no way of knowing that the day they established as the permanent first day of each legislative session would be declared a national holiday. Yet they inadvertently provided us with a unique and important way to begin our sessions.

Now, during the pomp and circumstance of the opening ceremonies, we officially pause to remember one of the greatest Americans this country has ever known. The Reverend Martin Luther King, Jr., was born on January 15, 1929—yesterday, he would have been 66 years old. Before he was assassinated on that terrible day in 1968, Reverend King clearly and eloquently reminded all people—regardless of race—of our responsibilities to each other as human beings. He was a man of compassion, dignity, and peace. By his words and his life, he taught us all important lessons about living and working together. It is more than fitting that we, as legislators, stop at the beginning of each session to remember Reverend King and his wisdom.

Although Reverend King never addressed the Nevada Legislature in person, I wonder if he might have been thinking of us, and lawmakers everywhere, when he said, "We must use time creatively and forever realize that the time is always ripe to do right."

As we conduct our deliberations this session, may Reverend King's words guide our thoughts and actions today and every day.

Resolution adopted.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Cherryl Allard, Kathy Bennett, Tricia Lincoln, Mss. Christy Allard, Christina Worcester, Messrs. Steve Lincoln and Lee Philley.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Mss.Clyda Anderson, Natha Clyde Anderson, Lani Anderson, Whitney Kathleen Gardner and Becca Gardner.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Carol Arberry.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Bache.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Elisabeth Batten, Messrs. Brandon Chambers and Gillian Chambers.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Connie Bennett, Chloe Bennett and Mr. Jack Bennett.

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Denise Brodsky, M. Frances Sponer, Merle Merritt and Elizabeth Merritt.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. John H. Brower, Jerry L. Dorchuck, Ms. Liz Mullin and Felecia F. Fichera.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Mss. Roseann Carpenter, Elizabeth Carpenter, Susan Rucker and Lois DeForest.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Elmer Chowning, Mss. Katherine Chowning, Darlene Stout, Judie Benet and Christine Leyrer.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Gaye Close, Cheryl Close, Tiffany Hedger, Cari Close, Ms. Kristie Close, Messrs. Jack Close, Jr., Shawn Close, Justin Close, Tyler Close, Doug Hedger, Jonathon Hedger, Kedric Hedger, Stephen Close and Kris Holm.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Lyle de Braga, Ms. Goldie de Braga, Mr. Bruce Corkill, Mss. Mitzi Corkill, Jade Corkill, Mr. Bailey Corkill, Mss. Jaime Acorda, Tiana Acorda, Mr. Harry Ed McDonald, Ms. Dorothy McDonald, Mr. Bob Johnston and Ms. Gaye Johnston.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Jay Dini, Barbara Dini, George Dini, Gretchen Dini, David Dini, Karen Dini, Joshua Dini, Heather Dini, Brandon Dini, Dominic Dini, Tom Renner, Tosca Renner, Josh Renner, Shana Renner, Peggy Kinsley, Tommy Kinsley, Michael Kinsley, James Thurman, Tiffany Thurman, Shamus Thurman, Sasha Thurman, Dick Gomez, Norton Pickett, Vivian Pickett, Gilbert Hills, Steve Snyder, Martin Bibb and Ardis Bibb.

On request of Assemblymen Dini and Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Boy Scout Honor Guard Members Eric Coskey, Neil Schiff, Calvin Lubinski, Benjamin Singley, Justin Gourley and Ryan Gourley.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Ernaut, Steve Polikalas, John Mason, Marjorie Munoz, Kevin McGehee, George Von Tobel, Sandra Long, Shirley Dale, Dawn Gibbons, Kathy Karrasch, Kevin Reid, Shawn Reid, Jay Parmer, Ardis Parmer, Buzz Harris, Bill Bilyeu, Nancy Bilyeu, Kelly Christie, Dorothy North, Bruce Alden, Nicola Aaker, Nathan Aaker and Joshua Aaker.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Fettic, Lori Heath, Roger Heath, Kris Heath, Karalyn Heath, Mike Fettic, Linda Fettic, Don Cave, Pat Cave and Al Gasper.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Larry Giunchigliani, Myrna Giunchigliani, Ms. Jana Wright and Mr. Gary Gray.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Jason Goldwater, David Goldwater, Mrs. Mary Goldwater and Ms. Cheryl Reimer.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Diane Ellen Harrington, Mss. Jennifer Ellen Harrington, Laura Diane Harrington, Heather Rachel Harrington, Messrs. Clark William Harrington, Brian John Harrington and Jared Floyd Harrington.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to L.A. Hettrick, Iris Hettrick, True Woodworth, Arla Hettrick, Eric Perez, Stacey Perez, Tiffany Villanueva, Sergio Villanueva, Andy Hettrick and Stephanie Turvia.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Ginger Humke, Keith Lockard, Rod McMahon and Cheri McMahon.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Richard Krenzer and Ms. Amber Krenzer.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Edwina Prior.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames Marie Manendo and Christine Turner.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Willie Marvel and Sharon Andreasen.

On request of Assemblyman Monaghan, the privilege of the floor of the Assembly Chamber for this day was extended to Messrs. Walt Monaghan, Mark Monaghan, Walter Monaghan and Pat Monaghan.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Kimberly Nolan, Messrs. Ryan Nolan and Joseph Nolan.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. James Ohrenschall, Mss. Katie Fay Ross and Maria Pintos.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Nancy Price, Messrs. David Bogan, Nicholas Bogan, Mss. Kelly Smith and Ruth Puerner.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Kathleen Sandoval.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Candy Schneider and Mr. Andrew Schneider.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Segerblom, Virginia Wines and Vernon Wines.

On request of Assemblyman Steel, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Frances Steel, Mr. Stefan Ivanov and Ms. Dora Leanne Ivanov.

On request of Assemblyman Stroth, the privilege of the floor of the Assembly Chamber for this day was extended to Gaylan Stroth, Meredith Edwards, Mrs. Olsen and Keith Lineham.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. Ross M. Tonkens.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Mesdames. Karen Tripple, Marilyn Bohmont, Amy Heintz, Mss. Christina Tripple, Sandra Neese, Janet Hay. Messrs. Tom Tripple, Scott Tripple, Dale Bohmont, Don Heintz.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Mrs. Wendell Williams.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, January 17, 1995 at 12 noon.

Motion carried.

Assembly adjourned at 5:57 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly
LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SECOND DAY

CARSON CITY (Tuesday), January 17, 1995

Assembly called to order at 12:14 p.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Elaine Morgan.

Lord of all Creation: Send down Your love upon each member of the Nevada State Assembly. Give them Your gifts of discernment, peace, joy and strength. Provide them with Your guidance in each decision they are called upon to make during this legislative session. Make Yourself real to them so that they may know and experience Your Spirit in their lives as they receive Your gifts that will help them to select the paths that will bring the citizens of Nevada to pursue and discover the opportunities that will lead all Nevadans to become independent, productive and responsible members of society. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

Mr. Speaker declared that nominations were in order for Speaker pro Tempore.

Assemblyman Ernaut nominated Assemblymen Evans and Tiffany for Co-Speakers pro Tempore.

Assemblyman Perkins moved that nominations be closed.

Motion carried unanimously.

Mr. Speaker declared Assemblymen Evans and Tiffany to be Co-Speakers pro Tempore of the Assembly.

Remarks by Assemblymen Evans and Tiffany.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I signaled to my Co-Speaker pro Tempore, and I see she deferred to me, I guess because of my advancing years. I appreciate that. Respect for age is important. I am honored to serve in this capacity. It's going to be an interesting session. The previous Speaker pro Tempore cast a rather long shadow. I think that is a fair remark. Mrs. Williams occupied that important seat for a number of years, and we will try to live up to the record she set for service to the Assembly. Thank you all very much.

ASSEMBLYMAN TIFFANY:

Thank you, Mr. Speaker. Whatever you choose for the reason I deferred, I really didn't know we were going to do this, and I didn't know what to say. So, I thought I'd wait until you said something first. I would also like to thank all of you for the opportunity of service as Speaker pro Tempore and in this unique situation of 21–21, I kind of feel like the royal family in waiting; kind of like Prince Andrew who is third or fourth down the line. I hope

we do have the opportunity to go up there and give the podium a try. I would also like to say that we do have some big shoes to fill from the last Speaker pro Tempore, Myrna Williams, who is now a County Commissioner. Again, thank you very much.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:21 p.m.

ASSEMBLY IN SESSION

At 12:22 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 16, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 1.

Assemblyman Ernaut moved that the bill be placed on the Chief Clerk's desk.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Marci Wehry.

Assemblyman Ernaut moved that the Assembly adjourn until Wednesday, January 18, 1995 at 2 p.m.

Motion carried.

Assembly adjourned at 12:27 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE THIRD DAY

CARSON CITY (Wednesday), January 18, 1995

Assembly called to order at 2:03 p.m.

Speaker Dini presiding.

Roll called.

All present except Assemblyman Williams, who was excused.

Prayer by the Chaplain, The Reverend David Camp.

Let us pray: God of our lives, You know our dissatisfaction when life falls short of our expectations. Do not let our dissatisfaction lead to despair. May we pursue an active search for fuller and richer lives. You are with us in the search, revealing the aim, pointing out the way, and encouraging us to go on. To You be glory now and forever.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

Assemblyman Spitler moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:07 p.m.

ASSEMBLY IN SESSION

At 2:08 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF SELECT COMMITTEES

Mr. Speaker:

Your Select Committee on Credentials has had under consideration the contest filed against the election of Chris Giunchigliani; has heard the statements of the contestant and Ms. Giunchigliani; and recommends that Ms. Giunchigliani be issued the Certificate of Election from Assembly District No. 9.

JOAN LAMBERT, *Chairman*
LARRY L. SPITLER, *Chairman*

Assemblyman Lambert moved that the Assembly adopt the Report of the Select Committee on Credentials.

Motion carried.

Assemblyman Giunchigliani abstained from the vote.

COMMUNICATIONS

MESSAGES FROM THE SECRETARY OF STATE

STATE OF NEVADA

OFFICE OF THE SECRETARY OF STATE

CARSON CITY, NEVADA 89710, January 16, 1995

MOURYNE B. LANDING, *Chief Clerk of the Assembly,* Legislative Counsel Bureau, Carson City, Nevada 89710

DEAR MOURYNE:

In compliance with NRS 218.430, I am returning Assembly Bills 359 and 687 of the 67th session of the Nevada Legislature which were vetoed by Governor Miller.

The Governor's veto messages are also enclosed.

Sincerely,

DEAN HELLER
Secretary of State

STATE OF NEVADA

OFFICE OF THE SECRETARY OF STATE

CARSON CITY, NEVADA 89710, January 16, 1995

MOURYNE B. LANDING, *Chief Clerk of the Assembly,* Legislative Counsel Bureau, Carson City, Nevada 89710

DEAR MOURYNE:

In compliance with NRS 218.390, I am returning Assembly Joint Resolutions 6, 19, 26 and 35 of the 67th session. Please deliver to the presiding officer of the Assembly for consideration.

Sincerely,

DEAN HELLER
Secretary of State

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that vetoed Assembly Bills Nos. 359 and 687 of the 67th Session be made a Special Order of Business for Tuesday, January 31, 1995, at 10:15 a.m.

Motion carried.

PREFILED JOINT RESOLUTIONS

Mr. Speaker announced that there being no objections, the following Assembly Joint Resolutions have been referred to the Committee on Government Affairs:

By the Committee on Government Affairs:

Assembly Joint Resolution No. 1—Urging the Congress of the United States to expedite ratification of the amendments to the Tahoe Regional Planning Compact made by the State of California and adopted by the Nevada Legislature in 1987.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 2—Urging the Tahoe Regional Planning Agency to continue to simplify its operations and procedures and to encourage cooperation and interaction between interested persons when considering new projects proposed for the Lake Tahoe Basin.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 3—Urging the Tahoe Regional Planning Agency to rank, where practicable, the environmental threshold carrying capacities for the Lake Tahoe Basin in their order of priority.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 4—Urging the Tahoe Regional Planning Agency to assist in the coordination of an analysis of the resources within the Lake Tahoe Basin which are potentially finite in nature and to continue to review the status of the environmental threshold carrying capacities for the Lake Tahoe Basin.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 5—Urging the Tahoe Regional Planning Agency to continue to carry out its current plans and to expand further its efforts to emphasize the implementation of those plans and other plans and projects which enhance the environmental quality of the Lake Tahoe Basin.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 6—Acknowledging the efforts of the Tahoe Truckee Regional Economic Coalition in promoting a strong economy and the enhancement of the quality of life in the Lake Tahoe Basin and urging the Tahoe Regional Planning Agency to continue to participate actively as a member of the Coalition.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 7—Expressing the support of the Nevada Legislature for the mission of the Tahoe Basin Forest Health Consensus Group and urging Congress and certain federal and state agencies to provide financial and other assistance in the accomplishment of that mission.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 8—Urging the Tahoe Regional Planning Agency to establish procedures to grant variances from the ordinances adopted pursuant to the Tahoe Regional Planning Compact for certain projects.

By the Committee on Government Affairs:

Assembly Joint Resolution No. 9—Urging the Congress of the United States and the United States Postal Service to initiate and maintain a program for the delivery of mail from door to door in the Lake Tahoe Basin or other similar programs which would enhance the efficiency of the delivery of mail in that area.

Mr. Speaker announced that there being no objections, the following Assembly Joint Resolution has been referred to the Committee on Transportation:

By the Committee on Transportation:

Assembly Joint Resolution No. 10—Expressing continued support for the designation of the Tahoe Regional Planning Agency as a Metropolitan Planning Organization in accordance with the Intermodal Surface Transportation Efficiency Act of 1991.

Mr. Speaker announced that there being no objections, the following Assembly Joint Resolution has been referred to the Committee on Ways and Means:

By Assemblyman Bennett:

Assembly Joint Resolution No. 11—Proposing to amend the Nevada constitution by authorizing the Governor to reduce or veto individual appropriations of money or authorizations to expend money within a bill.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 35 of article 4 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec. 35. 1.* Every bill which may have passed the Legislature, shall, before it becomes a law be presented to the Governor. If he approve it, he shall sign it, but if not he shall return it with his objections, to the House in which it originated, which House shall cause such objections to be entered upon its journal, and proceed to reconsider it; If after such reconsideration it again pass both Houses by yeas and nays, by a vote of two thirds of the members elected to each House it shall become a law notwithstanding the Governors objections. [If] *Except as otherwise provided in subsection 2, if* any bill shall not be returned within five days after it shall have been presented to him (Sunday excepted) exclusive of the day on which he received it, the same shall be a law, in like manner as if he had signed it, unless the Legislature by its final adjournment, prevent such return, in which case it shall be a law, unless the Governor within ten days next after the adjournment (Sundays excepted) shall file such bill with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next Session, in like manner as if it had been returned by the Governor, and if the same shall receive the vote of two-thirds of the members elected to each branch of the Legislature, upon a vote taken by yeas and nays to be entered upon the journals of each house, it shall become a law.

2. If any bill so presented to the Governor contains one or more appropriations of money from the treasury or authorizations to expend money drawn from another source, the Governor may reduce or strike from the bill any or all of these without objecting to the bill as a whole. If the Governor so reduces or strikes out, he shall:

(a) Append to the bill a statement of the items reduced or stricken out and of the reasons for his action; and

(b) Within 48 hours after the bill is presented to him and before the Legislature finally adjourns, transmit a copy of the statement to the House in which the bill originated.

Each appropriation or authorization not reduced or stricken out becomes law in the same manner as a bill to which the Governor does not object. If the Governor fails to transmit a copy of the statement to the House in which the bill originated within the time allowed or before the Legislature finally adjourns, each appropriation or authorization reduced or stricken out likewise becomes law.

3. The Legislature may, by the same vote as for bills to which the Governor objects:

(a) Cause any one or more of the individual appropriations or authorizations to become law notwithstanding his striking it out; or

(b) Restore the original amount appropriated or authorized, or insert any other amount not less than that approved by the Governor nor more than that originally appropriated or authorized, notwithstanding his reducing it.

If the Legislature does not so act, any appropriation or authorization stricken from the bill by the Governor shall be deemed not appropriated or authorized and any amount to which an appropriation or authorization was reduced by the Governor shall be deemed so appropriated or authorized.

Mr. Speaker announced that there being no objections, the following Assembly Joint Resolution has been referred to the Committee on Government Affairs:

By Assemblyman Bennett:

Assembly Joint Resolution No. 12—Proposing to amend the Nevada constitution to prohibit an exemption for legislators or officers, employees or agencies of the state from laws applicable to the general public.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 4 of the constitution of the State of Nevada, to read as follows:

Sec. 38. The legislature shall not enact any law or provision of a law exempting legislators, officers or employees of the state or agencies of the state from the provisions of a law otherwise applicable to all members of the general public.

Mr. Speaker announced that the introduction of prefiled Joint Resolutions was concluded.

By the Committee on Elections and Procedures:

Assembly Resolution No. 1—Providing for the appointment of attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the following persons are elected as attachés of the Assembly for the 68th session of the Legislature of the State of Nevada: Carol Moore, Lucinda Benjamin, Linda Alden, Donna Schumacher, Jason Hataway, Emily Nelson, Terry Sullivan, Rebecca Lawson, Joe Crawford, Nicole Geissler, Michael Wiese, Vicki Shell, Betty Day, Cindy Southerland, Barbara Pryor, Kelly Christie, Laverna Marwin, Carolyn Maynick, Christine Shaw, Jennifer Carnahan, Bonnie Borda, Ellen Hanners, Barbara Moss, Janine Sprout, Barbara Prudic, Nykki Kinsley, Bobbie Mikesell, Sara Kaufman, Kelly Liston, Denise Sins, Marci Wehry, Joi Davis, Patricia Hicks, Jackie Sneddon, Susan Mund, Pat Menath, Carolyn Grabski, Frankie Valley, Linda Corbett, Yhvona Martin, Dale Gray, Jonnie Hansen, Susan Hult, Deborah Salaber, Kathleen Day, Irene Davis, Carol Dickerson, Donna Hancock, Frances Hill, Theresa Horgan, Marian Howard, Sylvia Mays, Marlene Staub, Stephen Thompson, Sally Dunfield, Mary Carel, Ed Cordisco, Jr., Melvin Cowperthwaite, Lois LaHair, Martha Laird, Kevin Magrane, Ronald Marwin, Reid Meyer, Barbara Morgan, Bob Peterson, Mike Pintar, Shanna Pozzi, Mary Rasmussen, Frank Richer and Mary Smith.

Assemblyman Giunchigliani moved the adoption of the resolution.

Resolution adopted.

By the Committee on Elections and Procedures:

Assembly Resolution No. 2—Providing allowances to the leadership and other members of the Assembly for periodicals, stamps, stationery and communications.

Assemblyman Giunchigliani moved the adoption of the resolution.

Resolution adopted.

By the Committee on Elections and Procedures:

Assembly Joint Resolution No. 6 of the 67th Session—Proposing to amend the constitution of the State of Nevada to revise the standard for determining the number of signatures of voters required for a petition seeking to recall a public officer and to increase the number of days within which a special election upon such a petition must be held after the issuance of a call.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 9 of article 2 of the constitution of the State of Nevada be amended to read as follows:

Sec. 9. Every public officer in the State of Nevada is subject, as herein provided, to recall from office by the registered voters of the state, or of the county, district, or municipality [, from which he was elected.] *which he represents.* For this purpose , [a number of registered voters] not less than twenty-five per cent (25%) of the number who

actually voted in the state or in the county, district, or municipality [electing said officer, at the preceding general election,] *which he represents, at the election in which he was elected,* shall file their petition, in the manner herein provided, demanding his recall by the people . [; they] *They* shall set forth in said petition, in not exceeding two hundred (200) words, the reasons why said recall is demanded. If he shall offer his resignation, it shall be accepted and take effect on the day it is offered, and the vacancy thereby caused shall be filled in the manner provided by law. If he shall not resign within five (5) days after the petition is filed, a special election shall be ordered to be held within [twenty days (20)] *thirty days (30)* after the issuance of the call therefor, in the state, or county, district, or municipality electing said officer, to determine whether the people will recall said officer. On the ballot at said election shall be printed verbatim as set forth in the recall petition, the reasons for demanding the recall of said officer, and in not more than two hundred (200) words, the officer's justification of his course in office. He shall continue to perform the duties of his office until the result of said election shall be finally declared. Other candidates for the office may be nominated to be voted for at said special election. The candidate who shall receive highest number of votes at said special election shall be deemed elected for the remainder of the term, whether it be the person against whom the recall petition was filed, or another. The recall petition shall be filed with the officer with whom the petition for nomination to such office shall be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated or filed against any officer until he has actually held his office six (6) months, save and except that it may be filed against a senator or assemblyman in the legislature at any time after ten (10) days from the beginning of the first session after his election. After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which he was elected, unless such further petitioners shall pay into the public treasury from which the expenses of said special election have been paid, the whole amount paid out of said public treasury as expenses for the preceding special election. Such additional legislation as may aid the operation of this section shall be provided by law.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Heller, de Braga, Chowning, Humke, Gibbons, Schneider, Petrak, Gregory, Ernaut, Segerblom, Bennett, Bache, Bonaventura, Scherer, Augustine, Kenny, Giunchigliani, Perkins, Arberry, Smith, Price, Toomin, Collins, Hettrick, Marvel, Tiffany, Evans, Myrna Williams, Carpenter, Lambert, Anderson, Haller, Spitler, McGaughey, Dini, Porter and Garner:

Assembly Joint Resolution No. 19 of the 67th Session—Proposing to amend the constitution of the State of Nevada to prescribe additional restrictions on the public employees' retirement system.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 2 of article 9 of the constitution of the State of Nevada be amended to read as follows:

Sec. 2. *1.* The legislature shall provide by law for an annual tax sufficient to defray the estimated expenses of the state for each fiscal year; and whenever the expenses of any year [shall] exceed the income, the legislature shall provide for levying a tax sufficient, with other sources of income, to pay the deficiency, as well as the estimated expenses of such ensuing year or two years.

2. Any [moneys] *money* paid for the purpose of providing compensation for industrial accidents and occupational diseases, and for administrative expenses incidental thereto, and for the purpose of funding and administering a public employees' retirement system,

[shall] *must* be segregated in proper accounts in the state treasury, and such [moneys shall] *money must* never be used for any other purposes, and they are hereby declared to be trust funds for the uses and purposes herein specified.

3. Any money paid for the purpose of funding and administering a public employees' retirement system must not be loaned to the state or invested to purchase any obligations of the state.

4. The public employees' retirement system must be governed by a public employees' retirement board. The board shall employ an executive officer who serves at the pleasure of the board. In addition to any other employees authorized by the board, the board shall employ an independent actuary. The board shall adopt actuarial assumptions based upon the recommendations made by the independent actuary it employs.

Assemblyman Perkins moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Joint Resolution No. 26 of the 67th Session—Proposing to amend the constitution of the State of Nevada to clarify the exemption from the debt limitation of money borrowed to retrofit state buildings to make the use of energy in the buildings more efficient.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 3 of article 9 of the constitution of the State of Nevada be amended to read as follows:

Sec. 3. The state may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of two per cent of the assessed valuation of the state, as shown by the reports of the county assessors to the state controller, except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semiannually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the state, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the state in time of war, or, if hostilities be threatened, provide for the public defense.

The state, notwithstanding the foregoing limitations, may, pursuant to authority of the legislature, make and enter into any and all contracts necessary, expedient or advisable for the protection and preservation of any of its property or natural resources, or for the purposes of obtaining the benefits thereof, however arising and whether arising by or through any undertaking or project of the United States or by or through any treaty or compact between the states, or otherwise [.] , *including contracts for the retrofitting of state buildings to make the use of energy in the buildings more efficient.* The legislature may from time to time make such appropriations as may be necessary to carry out the obligations of the state under such contracts, and shall levy such tax as may be necessary to pay the same or carry them into effect.

Assemblyman Perkins moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Joint Resolution No. 35 of the 67th Session—Proposing to amend the Nevada constitution to allow the investment of state money to stimulate economic development.

WHEREAS, Emerging competition in other states and federally regulated territories threaten the State of Nevada's long-term growth in its vital gaming industry; and

WHEREAS, Finance programs necessary to assure business expansion and high quality job growth do not currently provide Nevada's business sector with adequate access to those types of money and capital essential to support the growth of a diversified economic base; and

WHEREAS, The Nevada constitution currently contains restrictions, based on conditions existing in the 19th century, that have prevented the Legislature from considering legislation similar to laws enacted in several other states, which would permit prudently managed investments in public-private partnerships and corporations designed to provide needed sources of capital for high quality, job-creating businesses within Nevada that cannot feasibly obtain such financing from existing private financial markets in an easily accessible and efficient manner; and

WHEREAS, The State of Nevada must remain competitive with other states in providing the necessary financial tools to attract the types of businesses and industries that would diversify Nevada's economic base and improve the standard of living for Nevada's citizens; and

WHEREAS, The benefits to be derived from a strong economic development effort throughout the state may be jeopardized if current restrictions in the Nevada constitution are not replaced with more flexible and contemporary standards that both protect public investments in economic development projects and provide access to the type of financing needed to stimulate the growth of businesses and industries throughout the state which will provide the high quality jobs, increased property values, and enhanced standard of living desired by Nevadans; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 9 of article 8 of the constitution of the State of Nevada is hereby amended to read as follows:

[Sec: 9. The]

Sec. 9. 1. Except as otherwise provided in subsections 2 and 3, the State shall not donate or loan money [,] or its credit [,] *to, or* subscribe to or be [,] interested in the Stock of any company, association, or corporation . [, except] *2. The legislature may by law, approved by a vote of two-thirds of the members elected to each house, authorize the investment of state money in a company, association or corporation subject to the following conditions:*

(a) Before any investment is authorized, a determination must be made, by a person or entity designated in the authorizing legislation, that:

(1) The investment is for the economic development of this state or the creation of new employment opportunities in this state;

(2) The state can reasonably expect to achieve a reasonable rate of return on the investment, adjusted for the relative degree of risk; and

(b) Each investment by the state must be made through a cooperative venture with private investors of reasonable sophistication who participate in the venture on terms that are the same as or less favorable than the terms on which the state is participating.

Revenue received from investments pursuant to this subsection may be reinvested subject to the same conditions.

3. The provisions of this section do not apply to corporations formed for educational or charitable purposes.

Assemblyman Perkins moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE OF BILLS

PREFILED BILLS

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Judiciary:

By Assemblyman Marvel:

Assembly Bill No. 1—An Act relating to crimes; requiring the district attorney to include a count of habitual criminality if the defendant has sufficient convictions; eliminating the trial court's discretion to dismiss a count of habitual criminality; and providing other matters properly relating thereto.

By the Committee on Judiciary:

Assembly Bill No. 2—An Act relating to limitation of actions; reducing the period during which a cause of action to recover damages for a personal injury or wrongful death may be commenced; and providing other matters properly relating thereto.

By the Committee on Judiciary:

Assembly Bill No. 3—An Act relating to firearms; increasing the penalty for possession of a stolen firearm; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Education:

By Assemblyman Giunchigliani:

Assembly Bill No. 4—An Act relating to education; authorizing credit toward graduation from high school for completion of community service projects; requiring the board of trustees of each school district to prescribe standards and rules concerning such credits and projects; and providing other matters properly relating thereto.

By the Committee on Education:

Assembly Bill No. 5—An Act relating to school districts; revising provisions governing the term of employment of a superintendent of schools of a district; and providing other matters properly relating thereto.

By the Committee on Education:

Assembly Bill No. 6—An Act relating to education; authorizing a 4-day school week under certain circumstances; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Concurrent Committees on Education and Ways and Means:

By the Committee on Education:

Assembly Bill No. 7—An Act relating to state departments; transferring the commission on postsecondary education from the department of business and industry to the department of education; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Government Affairs:

By Assemblyman Marvel:

Assembly Bill No. 8—An Act relating to general improvement districts; authorizing the creation of a general improvement district to furnish facilities for certain radio transmission; and providing other matters properly relating thereto.

By Assemblyman Giunchigliani (by request):

Assembly Bill No. 9—An Act relating to zoning; authorizing the governing body of a county or city to limit the number of residential facilities for adult care that may be located in a geographical area; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Committee on Natural Resources, Agriculture and Mining:

By Assemblyman de Braga:

Assembly Bill No. 10—An Act relating to livestock; revising provisions prohibiting herding or grazing of livestock on land near municipal water supply; imposing a penalty; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Government Affairs:

By the Committee on Government Affairs:

Assembly Bill No. 11—An Act relating to the Lake Tahoe Basin; requiring the administrator of the division of state lands of the state department of conservation and natural resources to offer for sale certain rights to develop real property in the Lake Tahoe Basin; and providing other matters properly relating thereto.

By the Committee on Government Affairs:

Assembly Bill No. 12—An Act relating to the Lake Tahoe Basin; requiring the board of county commissioners of Douglas County to construct, operate and maintain a storm sewer project at Stateline, Nevada, under certain circumstances; providing for the levy of a special assessment to cover the costs of such a project; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Concurrent Committees on Government Affairs and Ways and Means:

By the Committee on Government Affairs:

Assembly Bill No. 13—An Act relating to natural resources; requiring the submission to a vote of the people of a proposal to issue state general obligation bonds to provide grants to local governments and the department of transportation to carry out projects for the control of erosion and the restoration of natural watercourses in the Lake Tahoe Basin; requiring the

state land registrar to adopt regulations necessary to carry out a program for awarding such grants and to report to the interim finance committee concerning the program if the proposal is carried; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Government Affairs:

By the Committee on Government Affairs:

Assembly Bill No. 14—An Act relating to historic districts; authorizing the Comstock historic district commission to deposit money derived from certain sources in accounts in certain financial institutions; authorizing the expenditure of the money for certain purposes; and providing other matters properly relating thereto.

By the Committee on Government Affairs:

Assembly Bill No. 15—An Act relating to state financial administration; expanding the scope of access of the office of internal audits to the records of state governmental agencies; and providing other matters properly relating thereto.

By the Committee on Government Affairs:

Assembly Bill No. 16—An Act relating to public employees' retirement; revising the method for determining the compensation of a sheriff or chief of police; expanding the definition of "police officer" for the purpose of determining eligibility for benefits; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Concurrent Committees on Government Affairs and Ways and Means:

By the Committee on Government Affairs:

Assembly Bill No. 17—An Act relating to the Tahoe Regional Planning Agency; making an appropriation for the development and operation of a program which would provide for the preparation and implementation of plans for the protection and development of the Lake Tahoe Basin by all interested participants; making an appropriation to the contingency fund for the continued support of such a program; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Committee on Elections and Procedures:

By Assemblyman Giunchigliani:

Assembly Bill No. 18—An Act relating to elections; expanding the area around a polling place where electioneering or the solicitation of votes is prohibited; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Committee on Taxation:

By the Committee on Taxation:

Assembly Bill No. 19—An Act relating to taxation; authorizing the proceeds from an optional tax on revenues from the rental of transient lodging that is imposed within a transportation district to be used for a public transit system within the district; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Natural Resources, Agriculture and Mining:

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 20—An Act relating to state parks; removing the requirement that a warning be given before a citation may be issued for a violation of a regulation of the division of state parks of the state department of conservation and natural resources; and providing other matters properly relating thereto.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 21—An Act relating to state parks; repealing the authority of the administrator of the division of state parks of the state department of conservation and natural resources to appoint a construction engineer; and providing other matters properly relating thereto.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 22—An Act relating to state parks; authorizing the administrator of the division of state parks of the state department of conservation and natural resources to establish maintenance accounts for each state park; authorizing the administrator to expend money in those accounts for the operation, repair and maintenance of certain systems within these parks; expanding the purposes for which money in the account for Lake Tahoe Nevada State Park may be expended; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Committee on Transportation:

By the Committee on Transportation:

Assembly Bill No. 23—An Act relating to motor vehicles; revising the definition of "golf cart" for the purposes of the provisions governing the registration of motor vehicles; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Committee on Ways and Means:

By the Committee on Ways and Means:

Assembly Bill No. 24—An Act relating to state financial administration; retaining the existing provisions regarding the office of internal audits; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Commerce:

By the Committee on Commerce:

Assembly Bill No. 25—An Act relating to discrimination; prohibiting discrimination in the equal access to public accommodations on the basis of sex; providing certain exceptions; and providing other matters properly relating thereto.

By the Committee on Commerce:

Assembly Bill No. 26—An Act relating to the state board of professional engineers and land surveyors; authorizing the board to adopt regulations relating to continuing education for professional engineers and professional land surveyors; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Transportation:

By the Committee on Transportation:

Assembly Bill No. 27—An Act relating to the department of motor vehicles and public safety; revising the provisions relating to proof of identity for the issuance of a driver's license or an instruction permit or identification card; and providing other matters properly relating thereto.

By the Committee on Transportation:

Assembly Bill No. 28—An Act relating to motor vehicles; revising the provisions relating to the fee for an endorsement to a driver's license; and providing other matters properly relating thereto.

By the Committee on Transportation:

Assembly Bill No. 29—An Act relating to drivers' licenses; establishing a fee for an endorsement added after the issuance of an original commercial driver's license for which a driving skills test is required; and providing other matters properly relating thereto.

By the Committee on Transportation:

Assembly Bill No. 30—An Act relating to motor vehicles; requiring the owners of certain vehicles which are not registered for use on highways to display an identification decal issued by the department of motor vehicles and public safety; authorizing the department of motor vehicles and public safety to issue certificates of ownership and identification for those vehicles; providing a penalty; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Ways and Means:

By the Committee on Ways and Means:

Assembly Bill No. 31—An Act relating to the state forester firewarden; repealing the state forester firewarden's revolving account; and providing other matters properly relating thereto.

By the Committee on Ways and Means:

Assembly Bill No. 32—An Act making an appropriation to the legislative counsel bureau for the reproduction of older Nevada Reports; and providing other matters properly relating thereto.

By the Committee on Ways and Means:

Assembly Bill No. 33—An Act relating to unclaimed property; repealing an obsolete provision relating to the disposition of the balance in the abandoned property trust fund; and providing other matters properly relating thereto.

By the Committee on Ways and Means:

Assembly Bill No. 34—An Act making an appropriation to the budget division of the department of administration for reimbursement of the legal division of the legislative counsel bureau for the expenses involved in preparing bill drafts requested by agencies of the executive branch; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Government Affairs:

By Assemblyman Marvel:

Assembly Bill No. 35—An Act relating to housing authorities; reorganizing the Nevada rural housing authority; clarifying the applicability of certain statutes to the Nevada rural housing authority; and providing other matters properly relating thereto.

By Assemblyman Segerblom:

Assembly Bill No. 36—An Act relating to the state archives; revising various provisions governing the inspection of certain records in the state archives; and providing other matters properly relating thereto.

By the Committee on Government Affairs:

Assembly Bill No. 37—An Act relating to public purchasing; making uniform in all counties certain provisions governing the advertising of contracts for purchases by local governments; and providing other matters properly relating thereto.

By the Committee on Government Affairs:

Assembly Bill No. 38—An Act relating to the state fire marshal; revising the jurisdiction of the state fire marshal; and providing other matters properly relating thereto.

By the Committee on Government Affairs:

Assembly Bill No. 39—An Act relating to public purchasing; revising various provisions governing state purchasing; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Committee on Judiciary:

By the Committee on Judiciary:

Assembly Bill No. 40—An Act relating to witnesses; revising the provisions that prohibit an employer from taking certain adverse actions against an employee who serves as a witness or prospective witness; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Committee on Commerce:

By the Committee on Commerce:

Assembly Bill No. 41—An Act relating to contractors; revising the applicability of the provisions governing the exemption from licensure as a contractor for the sale or installation of certain finished products, materials or articles of merchandise; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Committee on Health and Human Services:

By the Committee on Health and Human Services:

Assembly Bill No. 42—An Act relating to controlled substances; transferring the duty to carry out a methadone maintenance program to the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Government Affairs:

By Assemblyman Carpenter:

Assembly Bill No. 43—An Act relating to the Federal Government; clarifying the authority of an officer or employee of the Federal Government to enforce the provisions of the Statutes of Nevada or Nevada Revised Statutes and to exercise the powers of a peace officer in this state; and providing other matters properly relating thereto.

By Assemblyman Marvel:

Assembly Bill No. 44—An Act relating to state employees; revising the provisions governing the forfeiture of annual leave; and providing other matters properly relating thereto.

By the Committee on Government Affairs:

Assembly Bill No. 45—An Act relating to land; eliminating the exemption from the provisions governing the subdivision of land provided for certain divisions of land for agricultural purposes; and providing other matters properly relating thereto.

By the Committee on Government Affairs:

Assembly Bill No. 46—An Act relating to the state personnel system; increasing the number of members of the personnel commission; providing for the selection of the members by appointment and election; limiting the time within which certain disciplinary action may be taken against a state employee; requiring the adjustment of certain grievances to be appealed to an arbitrator; abolishing the employee-management committee; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Committee on Taxation:

By the Committee on Taxation:

Assembly Bill No. 47—An Act relating to impact fees; expanding the definition of "capital improvements" for the purposes of imposing an impact fee; revising the period for filing certain reports concerning the capital improvement plans of local governments; eliminating the exemption for a school district from the payment of impact fees; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the action whereby Assembly Bill No. 47 was referred to the Committee on Taxation be rescinded.

Motion carried.

Assemblyman Stroth moved that Assembly Bill No. 47 be referred to the Committee on Government Affairs.

Motion carried.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Government Affairs:

By the Committee on Government Affairs:

Assembly Bill No. 48—An Act relating to local financial administration; requiring a local government to establish a fund for the extraordinary maintenance, repair or improvement of certain capital projects; requiring a local government to allocate a percentage of the amount of bonds sold for certain capital projects for deposit in that fund; requiring the legislative auditor to review the audits of the fund periodically and submit a written report of that review to the legislative commission; and providing other matters properly relating thereto.

By the Committee on Government Affairs:

Assembly Bill No. 49—An Act relating to public parks; requiring the board of county commissioners in certain counties to hold an election for the alteration of the boundaries of a district for the support of public parks; requiring that certain information relating to the future costs of a district whose boundaries are proposed to be altered be included in the sample ballot for the election; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Committee on Taxation:

By the Committee on Taxation:

Assembly Bill No. 50—An Act relating to municipal obligations; authorizing a municipality to issue medium-term obligations in lieu of short-term financing; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the action whereby Assembly Bill No. 50 was referred to the Committee on Taxation be rescinded.

Motion carried.

Assemblyman Stroth moved that Assembly Bill No. 50 be referred to the Committee on Government Affairs.

Motion carried.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Government Affairs:

By the Committee on Government Affairs:

Assembly Bill No. 51—An Act relating to districts for the control of floods; revising the provisions governing the creation of those districts; authorizing all counties to impose a tax on certain tangible property for the support of those districts; and providing other matters properly relating thereto.

By the Committee on Government Affairs:

Assembly Bill No. 52—An Act relating to bonds; requiring certain bonds issued by municipalities to be sold by competitive bid; requiring the governing body of a municipality to establish a procedure for the selection of proposals to sell certain bonds; and providing other matters properly relating thereto.

By the Committee on Government Affairs:

Assembly Bill No. 53—An Act relating to bonds; authorizing municipalities to issue bonds to refund outstanding bonds of improvement districts under certain circumstances; authorizing municipalities to issue a single issue of bonds to defray the costs of projects in two or more improvement districts; and providing other matters properly relating thereto.

By the Committee on Government Affairs:

Assembly Bill No. 54—An Act relating to the fund for the municipal bond bank; revising the provisions relating to the distribution of any uncommitted balance in that fund; and providing other matters properly relating thereto.

By the Committee on Education:

Assembly Bill No. 55—An Act relating to collective bargaining; expanding the scope of mandatory bargaining applicable to a local government employer to include the transfer and reassignment of employees; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Labor and Management:

By the Committee on Education:

Assembly Bill No. 56—An Act relating to schools; requiring the division of industrial relations of the department of business and industry to license and regulate operators of certain pressure vessels in certain schools; and providing other matters properly relating thereto.

By the Committee on Labor and Management:

Assembly Bill No. 57—An Act relating to occupational diseases; broadening the application of the provisions governing eligibility for benefits for diseases of the heart or lungs to include all of those persons who are required to be certified by the peace officers' standards and training committee; and providing other matters properly relating thereto.

By the Committee on Labor and Management:

Assembly Bill No. 58—An Act relating to labor; transferring the duty to enforce claims for wages, commissions or other demands of a person financially unable to employ counsel from district attorneys to the attorney general; making the reporting of such claims by the labor commissioner discretionary rather than mandatory; and providing other matters properly relating thereto.

By the Committee on Labor and Management:

Assembly Bill No. 59—An Act relating to industrial insurance; revising the circumstances under which the attorney general is required to prosecute certain prohibited acts related to the provision of industrial insurance; revising the penalty for making a false statement or representation or concealing a material fact to obtain or attempt to obtain a benefit or payment; exempting subpenas issued pursuant to the Nevada Industrial Insurance Act from certain requirements for the disclosure of financial records; and providing other matters properly relating thereto.

By the Committee on Labor and Management:

Assembly Bill No. 60—An Act relating to occupational safety; prohibiting, under certain circumstances, the dismantling or removal of equipment that causes a potentially fatal occupational accident until the accident is investigated by the division of industrial relations of the department of business and industry; requiring certain information to be included in reports of accidents resulting in a fatality or the hospitalization of employees; reducing the time within which such reports must be made; and providing other matters properly relating thereto.

By the Committee on Labor and Management:

Assembly Bill No. 61—An Act relating to the control of asbestos; expanding the authority of the division of industrial relations of the department of business and industry to impose an administrative fine for a violation of certain provisions governing the control of asbestos; and providing other matters properly relating thereto.

By the Committee on Labor and Management:

Assembly Bill No. 62—An Act relating to the occupational safety and health review board; revising the requirements for establishing a quorum of the board; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Commerce:

By the Committee on Commerce:

Assembly Bill No. 63—An Act relating to professions; increasing the number of years of active experience in engineering work required for certain applicants for registration as professional engineers; increasing the number of years of active experience in land surveying required for certain applicants for registration as professional land surveyors; and providing other matters properly relating thereto.

By Assemblyman Carpenter:

Assembly Bill No. 64—An Act relating to public works projects; increasing the monetary threshold at which the awarding authority is required to advertise for bids for public works projects; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Education:

By the Committee on Education:

Assembly Bill No. 65—An Act relating to educational personnel; requiring an investigation by the state concerning the criminal history of applicants for state licensure or employment by a school district; authorizing the limited dissemination of the results of the investigation; and providing other matters properly relating thereto.

By the Committee on Education:

Assembly Bill No. 66—An Act relating to county school districts; authorizing a reduction in the required number of members on the board of trustees of certain county school districts; and providing other matters properly relating thereto.

By the Committee on Education:

Assembly Bill No. 67—An Act relating to educational personnel; revising provisions governing the probationary period of administrators and teachers employed by county school districts; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Committee on Natural Resources, Agriculture and Mining:

By Assemblyman Carpenter:

Assembly Bill No. 68—An Act relating to livestock; increasing the maximum reward that may be offered and paid for information leading to the arrest and conviction of a person engaged in stealing livestock; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Committee on Taxation:

By Assemblyman Allard:

Assembly Bill No. 69—An Act relating to the business tax; providing a partial exemption from the business tax for businesses that employ certain pupils; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bill has been referred to the Committee on Transportation:

By the Committee on Transportation:

Assembly Bill No. 70—An Act relating to drivers' licenses; revising the requirements relating to eye examinations for the renewal of drivers' licenses; and providing other matters properly relating thereto.

Mr. Speaker announced that there being no objections, the following Assembly Bills have been referred to the Committee on Ways and Means:

By the Committee on Committee on Ways and Means:

Assembly Bill No. 71—An Act relating to the department of motor vehicles and public safety; increasing the balance in the motor vehicle revolving account; making an appropriation; and providing other matters properly relating thereto.

By the Committee on Ways and Means :

Assembly Bill No. 72—An Act relating to local governmental finances; limiting the period during which certain taxes may be levied to finance the construction of schools; requiring the board of county commissioners to obtain the approval of the general obligation bond commission of the county before it submits a proposal for the imposition of an additional tax ad valorem for capital projects to the voters of the county for approval; and providing other matters properly relating thereto.

Mr. Speaker announced that the introduction of prefiled bills was concluded.

By Assemblyman Marvel:

Assembly Bill No. 73—An Act making an appropriation to Pershing County for expenses related to the trial of Michael Sonner; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Bache (by request):

Assembly Bill No. 74—An Act relating to common-interest ownership; prohibiting changes in the bylaws of a unit-owners' association which have the effect of changing restrictions on the use, occupancy or alienation of a unit except in certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 1 be taken from the Chief Clerk's desk.

Motion carried.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 1 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Bill read third time.

Remarks by Assemblymen Perkins and Carpenter.

Roll call on Senate Bill No. 1:

YEAS—41.

NAYS—None.

Absent—Wendell Williams.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate broadcasting facilities: Angela Curtis, Kristin Storey, Jody Rice, Marlene Garcia, Ira Hansen, Debra Reid, DAILY SPARKS TRIBUNE; Steve Kanigher, Jeff German, LAS VEGAS SUN.

Motion carried.

Assemblyman Perkins moved that the Assembly recess until 6:30 p.m.

Motion carried.

Assembly in recess at 2:55 p.m.

ASSEMBLY IN SESSION

At 6:36 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Close and Goldwater to invite the Senate to meet in Joint Session with the Assembly to hear the Governor's Message.

Mr. Speaker appointed a Committee on Escort consisting of Assemblymen Giunchigliani and Brower to escort the President pro Tempore of the Senate to the rostrum.

Mr. Speaker appointed a Committee on Escort consisting of Assemblymen Fettic and Ohrenschall to escort the President of the Senate to the rostrum.

Assemblyman Close reported that his committee had invited the Senate to meet in Joint Session with the Assembly to hear the Governor's Message.

The Committee on Escort in company with the President of the Senate appeared before the bar of the Assembly.

The Committee on Escort escorted the President of the Senate to the rostrum.

The Committee on Escort in company with the President pro Tempore of the Senate appeared before the bar of the Assembly.

The Committee on Escort escorted the President pro Tempore to the rostrum.

The Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 7:01 p.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senators Lee and Rawson, who were excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblymen Humke and Williams, who were excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Mathews and Assemblyman Carpenter to wait upon the Governor of the State of Nevada and escort him to the Assembly Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator Washington and Assemblyman Chowning to wait upon the Justices of the Supreme Court and escort them to the Assembly Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator McGinness and Assemblyman Steel to wait upon the Constitutional Officers and escort them to the Assembly Chamber.

The Committee on Escort escorted the Constitutional Officers to chairs in the Assembly.

The Committee on Escort in company with Chief Justice Thomas L. Steffen, Justice C. Clifton Young, Justice Miriam Shearing and Justice Robert E. Rose appeared before the bar of the Assembly.

The Committee on Escort escorted the Justices of the Supreme Court to chairs in the Assembly.

The Committee on Escort in company with his Excellency, Bob Miller, Governor of the State of Nevada, appeared before the bar of the Assembly.

The Committee on Escort escorted the Governor to the rostrum.

The Speaker of the Assembly welcomed the Governor and invited him to deliver his message.

The Governor delivered his message as follows:

Mr. President, Co-Speakers, Mr. Chief Justice, distinguished justices of the Supreme Court, ladies and gentlemen of the 68th Nevada Legislature, honored guests, and my fellow Nevadans.

Nevadans have spoken, and they have given us one party in control of the Governorship, another party in control of the Senate, and have left the Assembly divided between the two parties.

This is an experiment, an experiment that can begin and end in division, rancor, and disappointment. Or it can end differently—as an example of bipartisanship, of rising above one party, of moving forward from the political center that grounds both parties.

If we can remove the blinders of partisanship and the quest for advantage, we will see clearly that more unites us than divides us. I believe that with the leadership of Senators Raggio and Titus and Speakers Dini and Hettrick, we will work together to enact fair, well-reasoned and sound legislation to better our great State.

It is this unity of purpose which guides this administration. The voters in the last election were very eloquent in their message to us:

They want responsible, limited government. Those services which only government can provide must be delivered as efficiently and as inexpensively as possible.

They want strong, smart measures enacted into law that will attack the menace of violent crime.

They want quality education for their children from kindergarten through our university system.

The people of our state deserve these things and they want them without expanding state government. The budget and the legislative program I propose sets out to meet these sound and well-reasoned demands—and they are demands. We must meet these demands by providing efficient government services, tough and smart crime measures, and improvements in our educational system.

Fiscal responsibility is an absolute priority of this administration. The budget submitted to you is driven largely by the necessity to keep up with rising school enrollments and increasing prison populations and Medicaid caseloads. This budget meets the needs of the people of the fastest growing state in America, but does so with *no* tax increases.

Holding the line on taxes and also meeting the expanding demands for services are not enough to ensure Nevada's fiscal strength. Economic cycles are immutable facts of life. That was made painfully clear by the recession of the early 1990s—a recession that showed no state any mercy. It would be arrogance. It would be ignorance not to prepare now for a future economic downturn.

At this time, Nevada's economy is booming, business is good, and state revenue is up. And that is good news, but it also creates a dangerous temptation to spend.

I choose a wiser course. Let us seize this opportunity to build our reserves to shield us from the treacherous cycles of boom and bust. To that end, we must increase the "Rainy Day Fund" to its maximum level under law. I am recommending a direct appropriation of $81 million to bring the "Rainy Day Fund" up to the statutory limit of $100 million.

And I believe even that is not enough. Beyond topping off the "Rainy Day Fund" I am proposing in addition to the minimum reserve, that $20 million be reserved in our ending fund balance. That additional reserve will give us a "head start" on the 1997 biennium. These saved reserves will provide a fiscal "damper" to the ever increasing demands for revenue which we will face in 1997, AND MUST REMAIN UNSPENT NOW! Let us think and act wisely now and not respond to the impulses of the moment. A failure to preserve these funds now will only complicate and make our future fiscal position worse. Do not mortgage our future. This is our opportunity to prove our skeptics wrong—this government is committed to a prudent fiscal plan with a strong savings program.

The public expects us to operate Government like a business—we must provide the maximum level of service at the lowest possible cost. Two years ago, we began streamlining state government by reducing the number of state departments from 42 to 21. Total Quality Leadership is being implemented which is increasing staff productivity and eliminating inefficiencies.

The results of these actions are bearing fruit.

In our Department of Employment, Training, and Rehabilitation, we've adopted the model of Neighborhood Service Centers. It's a one-stop-shopping concept to better serve Nevadans. In convenient locations throughout this state, citizens will be able to obtain

information and enroll in a whole host of human service programs in one place, rather than having to go to many different offices. When you come in with a problem, you leave with an answer—not a referral to another agency.

Of course when most Nevadans think of state services, they first think of the Department of Motor Vehicles. It's probably the most widely used state agency . . . and because of that it's also the most overworked. I am proposing that we separate the DMV from the Department of Public Safety so that we can concentrate on the separate missions of both agencies more completely. Nevadans who need the services of DMV should be able to get them quickly and efficiently. The best way to do that is to have an agency that concentrates solely on those services. We will shorten the lines and reduce the waiting times for services.

I am also proposing to streamline government further by consolidating the Department of Economic Development and the Department of Tourism into a single agency. These departments have each done an excellent job of serving the people of this state—especially in our rural districts. We can make their efforts even more efficient by consolidating them into a Department of Development and Tourism. In this budget alone, we project a savings to the state of nearly $200,000.

In furthering efficiency, we must also eliminate Government services when they are no longer needed. The federal deregulation of the transportation industry has eliminated many responsibilities from the Public Service Commission. While traditionally, government agencies might attempt to find new responsibilities to justify maintaining staffing levels, that will not be the case in Nevada. We will reduce the staffing at the PSC and lower the cost of government.

Our most sweeping reorganization two years ago was in the State Industrial Insurance System. The impending SIIS bankruptcy was the worst financial crisis in Nevada history. The liabilities for business were growing out of control, the quality of services for Nevada's workers was in question, and the costs of health care threatened to bankrupt the entire system. A $2 billion shortfall cannot be corrected overnight. But in just one year, we have shown a $141 million turnaround. In 1993, there was $80.9 million more going out the door than coming in. In 1994, SIIS had $61 million more coming into its accounts than were being paid out in claims. We have dramatically turned this potential catastrophe into a success story. I have already discussed with Senator Townsend that our primary goal is to ensure that this success story continues. Together we must not waiver from our goal of financial stability in our workers' compensation program.

Government is not just about numbers and organizational charts; it's also about people—dedicated people. So, within the bounds of a tight budget, we are recommending that state employees be given a 4 percent salary increase in the first year and 3 percent in the following year of this biennium. Some will say this is too little; others will say too much. But we should all remember that these employees have diligently served the public without a pay increase for three straight years.

It is my opinion that state employee salary increases should remain a priority. If later in this session, revenue forecasts increase, we should consider additional compensation for these dedicated public employees.

Of course, all Nevadans face the challenge of living within their budgets. Perhaps nowhere is that challenge greater than dealing with the exorbitant cost of health care. With the failure of Washington to successfully deal with the health care crisis, it is all the more important that we continue our successful efforts. Our hospital cost containment law is scheduled to sunset this year. If it didn't work, it should be wiped from the books. But, it has been successful and has earned our continued support.

While we once had the dubious honor of having the highest hospital costs in the nation, for each of the last six years, Nevada has had the best record in the nation for holding down inflation of hospital costs.

Federal mandates, which are often unfunded and out of control, continue to drive up Medicaid costs. These costs are eating up more and more of our available state dollars. Our total costs for Medicaid in the present budget represent an increase of $223.5 million over the last biennium. To get control of these costs, I am proposing that we seek Federal

approval of a managed care program. We have seen the success of the managed care program in turning around our workers' compensation system and we are confident that we will see success in Medicaid cost containment as well.

No group of Nevadans is more concerned about the costs of illness than our seniors. In an effort to keep our seniors independent and living quality lives, I will continue to expand the Community Home Based Initiative Program, known as CHIP. This program allows a growing number of senior Nevadans to live independent lives at home, rather than dependent lives in an institution at far higher costs.

As successful as these programs are, we will still fail if we cannot protect our citizens from the plague of violent senseless crime. With the advice and support of the chief law enforcement experts in the state, including Sheriffs Jerry Keller and Dick Kirkland, Police Chief Jim Weston, and prosecutors Stewart Bell and Dick Gammick, I have defined an extensive package to reform our entire criminal justice system.

I am pledging to give our police officers, our prosecutors and judges the tools they need to insure that law abiding citizens are made safer and violent predators go to jail. Violent criminals will pay the price in Nevada.

The time is now to send a message to criminals throughout Nevada that we are going to take back our streets, we are going to make our schools safe again and we are going to make our homes secure once more.

We will open Lovelock Prison this year. We will open Lovelock Two in 1997 and begin construction on a new facility that same year.

The cruel reality is that the faces of violent criminals are growing younger. A 16-year-old committing a violent or sex-related crime should be presumed to be an adult and face prison. And judges should, under appropriate circumstances, be able to decide that 14-year-olds bent on a life of crime be subject to adult prosecution. Juvenile laws are to protect children, not young criminals.

We must make our streets safer by taking guns from the hands of juveniles. There is no good reason for teenagers to have guns in their cars on a Friday night. We will revoke the driver's licenses of those who violate gun, alcohol or drug laws.

We will provide judges the ability to require parents to accept the responsibilities and obligations for the actions of their children by ordering restitution to victims, community service and/or counseling for the parents of juvenile offenders. And we will create a juvenile boot camp to mirror the success we have in our adult camp.

Just as we review and revise the juvenile justice system, we must also reconsider treatment of adult offenders. We must identify and isolate career criminals. I propose we make the sentencing of repeat, violent offenders mandatory under Nevada's Habitual Crime Law. No deals, no plea bargaining—a life sentence.

Further, I am calling on you to approve a Sentencing Commission to create truth in sentence and to keep violent offenders in prison for longer periods of time.

Assemblywoman Jeannine Stroth, herself a victim of crime, told me she will prepare legislation to require judges to inform victims of what the minimum time is to be served under the sentence. I support this, but feel the solution is best found in a comprehensive reform of Nevada's entire sentencing structure. We will direct the Sentencing Commission to establish absolute—absolute—non-negotiable—prison terms. When a judge sentences a felon to five to ten years, it means five years and not a day less. And, if there is no rehabilitation, he'll do the ten years. Everyone will then know just what the sentence meant.

The Sentencing Commission will also design tougher penalties on violent, career offenders. Most have heard the slogan "Three Strikes and You're Out" as a means of keeping felons in prison. I propose a smarter, more thoughtful approach, entitled CRIME POINTS TO PRISON. Under this plan, devised by Sheriff Keller's Deputy Chief Paul Conner, all facts and circumstances of a criminal act will be taken into consideration. "Did the criminal use a gun? Did she have an accomplice? Did he have a child or a senior as a victim?" Under this system, targeting the most serious of our offenders, even someone who committed two violent felonies could find himself in prison for life.

A commitment to putting more violent criminals behind bars for a longer period of time brings with it the obligation not only of building prisons, but also of freeing up prison cells.

In order to keep the rapists, murderers, child molesters and criminals that use guns behind bars we must develop a strategy to make the most efficient use of our available prison cells.

Part of that strategy must be to deal with the non-violent offenders. I believe that we must break the cycle of crime by retraining, educating and mandating drug and alcohol rehabilitation for non-violent offenders. One solution is the Life Skills Program which has met with great success in other states. The project, designed as a partnership with existing service providers within the community, can correct the problems which led to the criminal behavior. It calls for a rigorous program of strict supervision of non-violent offenders. If a criminal has a drug problem, he will get counseling. If she has no job skills, she will be trained. If the offenders cannot read or write, they will be educated. This is a far less expensive way of dealing with non-violent offenders and holds out the possibility of creating productive citizens rather than skilled career criminals. Our goal is to make sure the cycle of crime is stopped. While these criminals are given the opportunity to turn their lives around, those who violate the rules of the Life Skills Program will end up in a prison cell.

We will also expand the use of House Arrest programs, the most successful such program in the nation. To date it has been limited to felony drunk driving offenders. We must expand this promising program to some drug and non-violent property felons.

We must also expand the boot camp program we began a few years ago. It provides the shorter-term, intense program needed to change career paths from crime to productive society members.

But let's be honest, the only long term solution is to focus on our children. To teach them the right values and priorities. To give them the care, the nurturing, and the education they deserve.

Throughout the last six years, I have held our children's education nearest to my heart, and at the top of my administration's list of priorities. And while we may be occasionally diverted by other pressing issues—Budget Cuts—SIIS Reform—Public Safety—we must never waiver in our commitment to Nevada's school children.

Sandy and I have visited hundreds of schools throughout Nevada. Reading to classrooms, meeting parents and listening to teachers, those whose mission it is to teach and help care for our children.

One message consistently rings loud and clear: Governor please continue to provide us smaller class sizes—"It works."

I believe it works. You'll always be able to dispute test results or the value of team teaching. But there's no disputing the value of giving our children a leg up in those early years. Give our teachers a class size they can manage. Not projects for 35 nameless faces, but a moment to recognize Mary's flair for art or to help Tommy's math or Mario's science. Our children deserve that personal attention.

I am asking you tonight to heed the pleas of thousands of teachers and parents. We must continue to extend our class size reduction program to the third grade. Our children deserve no less.

Today's children are growing up in a world in which computers are as commonplace as books. Our schools need to teach the children the keys to working with the changes. Science and technology is the key to success. We are providing our schools with money and equipment to properly train our students in these areas so that our kids will be leaders in the Information Age.

As we provide our education system with the tools it needs to prepare our students, the public deserves to know how effective the schools are in using the tools. In the 1993 session, we passed the Nevada school accountability law, which requires school districts to inform the public on school performance. I am convinced we must go much farther. I propose we phase in a system of accreditation for all public schools. We must create standards so that every public school meets the basic requirements needed to provide a

good education. Assemblywoman Chris Giunchigliani has requested a Bill Draft to begin this process. We should work together to support legislation to provide Nevadans the assurance they need to continue to invest in our children's future.

Our goal is to prepare more of our Nevada students to take advantage of the high caliber education our Universities and Community Colleges offer. Let me take a moment to highlight some of our system's accomplishments. The Reynolds School of Journalism at UNR is home to five Pulitzer Prize winners—Stanford only has two. Yale University ranks UNR's Mackay School of Mines as among the best of its kind. UNLV has increased the number of graduate students by 10 percent in one year alone. UNLV professor Rebecca Mills was named Professor of the Year by the Carnegie Foundation for the advancement of teaching.

These are just some of the many accomplishments of our higher education system. One way we can help our universities grow and compete is to support their needs for more facilities. I propose we spend $16.2 million for a new education building at UNR as well as funding the planning and design for a new library at UNLV. Additionally I ask you to support me in providing increased funding for higher education that allows for continued enrollment growth and returns the faculty-student ratio to the levels before the recession of two years ago.

Beyond our state's borders there are clouds, and none are darker than those that come from Washington, D.C. Once again, Senators who care little about our state or its people are plotting to make Nevada the nuclear waste dump of the country. This time, they strip any pretense of fairness and science, and simply declare that their plans for a repository have failed and so we should now accept a far less safe alternative: They call it "interim storage." We know it as a permanent disaster.

As long as I am Governor, Nevada will not surrender its rights, submit to foolhardy plans, or buckle to nuclear utility industry pressure. Yucca Mountain is wrong, the Federal Government has run rough shod over our rights, and it will be stopped. It is up to this administration, and this legislature, to support our Congressional Delegation's efforts to stop this ill designed strategy.

There are also those in Washington who, in their quest for ever larger revenues, have cast an eye toward the bedrock of our tourism economy—our flourishing gaming industry. Those efforts to impose a Federal Gaming tax were successfully turned back last year and more than 30,000 Nevada jobs were saved. But we must remain on guard. We must also be careful to ensure that gaming remains a state issue, under state legislation and not fall victim to the tax and regulate schemes on Capitol Hill.

In Washington, they are beginning a great debate on welfare reform. As we watch from here we will be anxious that "reform" back there does not result in more taxes here.

We will not wait for the Federal Government to get its act together. We are already making significant progress toward turning welfare into a temporary helping hand and away from a way of life. The key to getting off the welfare roll, is to get on the payroll. Working together with business, we are creating the best welfare program in the world—jobs.

We will shift the focus of the initial interview to include an assessment for not just eligibility, but also employability. That will include a discussion of skill assessment, job opportunities, and supporting resources to get even more Nevadans back to work.

We will expand the Employment Training Program for those already on welfare. We currently train and employ 3,000 Nevadans on welfare; we will double the number of people trained and employed to 6,000.

Working together with the new MGM we trained and they hired more than 800 Nevada welfare recipients, more than 75 percent are still on the job. We are already at work with the upcoming Silver Legacy, also known as Project C, to duplicate this success. We have to continue to find ways to form partnerships with existing and new corporations throughout Nevada. It's better for the taxpayers, it's good for business and it is great for the children who see their moms and dads working and independent.

The taxpayer alone cannot bear all the burdens. That is why I continue our efforts to improve the collection of child support payments. We will increase enforcement personnel, and create a statewide computerized information network to track down and hold accountable parents who are not living up to their obligations.

Responsibility to our children must include a fundamental change in our laws to make it paramount, that in legal proceedings the safety of the child is of primary importance. No longer should judges and officials be bound by senseless rules that fail to protect children and force them to send children back to abusive or violent families. The child's best interests should come first. This change is supported by the state's juvenile court judges and a bipartisan effort of legislators including Assemblymen Vivian Freeman and Peter Ernaut and Senator Ernie Adler.

We have the resources throughout this state, to provide children and their families with support and assistance in times of need. But, often it is a confusing maze to people in a time of crisis. Government should as often as possible make certain that when the people need us, access is as easy and convenient as possible. Here in Nevada we have seen the great success of Family Resource Centers that bring together the private and public social services that serve families. These centers are a great example of public and private cooperation. With the assistance the Centers provide, families can grow and become strong. I am proposing funding, to assist in the opening of more Family Resource Centers in areas in which the greatest needs exist. We can help families to learn to help themselves by providing localized neighborhood centers where the resources they need are available.

I end tonight as I began, with a call to make this legislative session a successful experiment in bipartisanship. Let it be written and said at the end of this session—in May, that despite division, despite the difficulty of the task, and despite the pundits' barbs, we rose to the occasion. That in measures great and small we worked to make Nevada a better home for our people. There can be no better legacy.

Senator Adler moved that the Senate and Assembly in Joint Session extend a vote of thanks to the Governor for his timely, able and constructive message.

Seconded by Assemblyman Buckley.

Motion carried unanimously.

The Committee on Escort escorted the Governor to the bar of the Assembly.

The Committee on Escort escorted the Justices of the Supreme Court to the bar of the Assembly.

The Committee on Escort escorted the Constitutional Officers to the bar of the Assembly.

Senator Shaffer moved that the Joint Session be dissolved.

Seconded by Assemblyman Ernaut.

Motion carried unanimously.

Joint Session dissolved at 7:46 p.m.

ASSEMBLY IN SESSION

At 7:49 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Dianne Ursick.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, January 19, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 7:50 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FOURTH DAY

CARSON CITY (Thursday), January 19, 1995

Assembly called to order at 11 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Humke, who was excused.

Prayer by the Chaplain, The Reverend Elaine Morgan.

Almighty God, source of all that is good: Help us to maintain a sense of Your presence, a sense of humor, a sense of truth, a sense of trust. For those mistakes we have made, forgive us; for those things we have done right, uphold us; for those decisions we have yet to make, direct us. Grant us Your blessing and support for the sake of the people of Nevada; for the sake of knowing we have been true to Your leadership. May we know Your support and Holy presence in our lives now and always. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-2802

January 12, 1995

THE HONORABLE JOSEPH E. DINI, JR., *Speaker of the Assembly,* Nevada State Legislative Building, 401 S. Carson Street, Carson City, Nevada 89710

DEAR SPEAKER DINI:

I would appreciate your consideration of my request to address a joint session of the Nevada Legislature on Friday, March 17, 1995 at 11:00 a.m.

I look forward to addressing the Nevada State Senate and Assembly. I will discuss anticipated changes issuing from the 104th Congress and the effects of those proposed changes upon the state of Nevada.

If you require additional information, please contact Brett Mulligan, District Director, at my Reno Office.

Thank you for your time and courtesy in this matter.

Sincerely,

BARBARA F. VUCANOVICH
Member of Congress

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Dini:

Assembly Bill No. 75—An Act relating to state highways; providing for the designation of Six-Mile Canyon Road in Storey and Lyon counties as a state highway; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By Assemblymen Marvel, Dini, Ernaut, Hettrick, Steel, Bennett, Tripple, Allard, Fettic, Segerblom, Carpenter, Brower, Arberry, Close, Nolan, Perkins, Sandoval, Humke, Anderson, Chowning, Schneider, Lambert, Stroth, Tiffany, Harrington, Monaghan, Batten, Price, Braunlin, Spitler, Giunchigliani, Bache, Manendo and Ohrenschall:

Assembly Bill No. 76—An Act relating to juveniles; allowing a juvenile 14 years old or older charged with an offense which would be a felony if committed by an adult to be certified for trial as an adult; requiring that a juvenile who is charged with a felony involving the use of a deadly weapon be tried as an adult; allowing the release of judicial records concerning certain juveniles under specified circumstances; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Askia Talib.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Ernaut and Frank Gianopulos.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Diskin.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Pohe and Evelyn Sheerin.

On request of Assemblyman Wendell Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Akins.

Assemblyman Ernaut moved that the Assembly adjourn until Friday, January 20, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:16 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTH DAY

CARSON CITY (Friday), January 20, 1995

Assembly called to order at 11:02 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblymen Carpenter and Humke, who were excused.

Prayer by the Chaplain, The Reverend David Camp.

Let us pray: Eternal Lord, source of our being, affirm us in our ordering of human structures as we gather in political format. Permit us to have a dream which will guide all our actions for the common good of the citizens of our great State. Enable us as persons to deal honestly and creatively with one another in the many crucial debates that lie ahead of us, we humbly pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Taxation:

Assembly Joint Resolution No. 13—Proposing to amend the constitution of the State of Nevada to provide a procedure to resolve conflicts, if any, between initiative petitions which are approved by the voters to amend the state constitution.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 2 of article 19 of the constitution of the State of Nevada be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of section 1 of article 4 of this constitution, but subject to the limitations of section 6 of this article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by section 3 of this article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the state, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire state at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the legislature is held. After its circulation, it shall be filed with the secretary of state not less than 30 days prior to any regular session of the legislature. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall transmit such petition to the

legislature as soon as the legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the legislature and approved by the governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in section 1 of this article. If the statute or amendment to a statute is rejected by the legislature, or if no action is taken thereon within 40 days, the secretary of state shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the supreme court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the legislature rejects such proposed statute or amendment, the governor may recommend to the legislature and the legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the governor, the question of approval or disapproval of each measure shall be submitted by the secretary of state to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law.

4. If the initiative petition proposes an amendment to the constitution, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the secretary of state not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire state. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the state, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the secretary of state shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority of such voters votes approval of such amendment, it shall *, except as otherwise provided in this subsection,* become a part of this constitution upon completion of the canvass of votes by the supreme court. *If a majority of voters voting in the election approve separate petitions which contain substantively conflicting amendments to amend the constitution, the proposed amendment which receives the largest number of affirmative votes shall become a part of this constitution.*

Assemblyman Perkins moved that the resolution be referred to the Committee on Taxation.

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:07 a.m.

ASSEMBLY IN SESSION

At 11:08 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the vote whereby Assembly Joint Resolution No. 13 was referred to the Committee on Taxation be rescinded.

Motion carried.

Assemblyman Perkins moved that Assembly Joint Resolution No. 13 be referred to the Committee on Elections and Procedures.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Fettic, Lori Heath, Roger Heath, Karalyn Heath, Kris Heath, Patricia Cave, Don Cave, Mike Fettic, Linda Fettic and Al "Griz" Gasper.

Assemblyman Perkins moved that the Assembly adjourn until Monday, January 23, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:13 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTH DAY

CARSON CITY (Monday), January 23, 1995

Assembly called to order at 11:13 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Freeman, who was excused.

Prayer by the Chaplain, The Reverend Lance Whitehurst.

Let us Pray: Heavenly Father, we thank Thee for this another day of life that You have granted to us. I pray that we all might use today to the fullest extent of our ability. Also, Lord, guide and direct us in the way that You would have us go. In Your Precious Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 77—An Act relating to local governments; exempting a purchase by a local government from an industry program in a correctional institution in this state from the requirements for competitive bidding; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Concurrent Committees on Ways and Means and Government Affairs.

Motion carried.

By Assemblyman Bache (by request):

Assembly Bill No. 78—An Act relating to the committee on benefits; requiring the legislative auditor to conduct a performance audit of the state's program of group health insurance that is provided by the committee on benefits through a plan of self-insurance; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Concurrent Committees on Elections and Procedures and Ways and Means.

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Resolution No. 3—Adopting Standing Rules of the Assembly for the 68th session.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly Standing Rules as amended by the 67th session are adopted, with the following changes, as the Standing Rules of the Assembly for the 68th session of the Legislature:

I. OFFICERS AND EMPLOYEES

Duties of Officers

1

[Speaker] *Speakers* of the Assembly.

1. All officers of the Assembly are subordinate to the [Speaker] *Speakers* in all that relates to the prompt, efficient and correct discharge of their official duties under [his] *the Speakers'* supervision.

2. Possessing the powers and performing the duties described in this rule, the [Speaker] *Speakers* shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the chamber of the Assembly and the approaches thereto, and in the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the [Speaker has] *Speakers have* the right, in [his place,] *their places,* to assign the reason for [his] *their* decision.

(d) Have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond one legislative day.

(e) When the Assembly resolves itself into Committee of the Whole, name a chairman to preside thereover and call him to the chair.

(f) Have the power to accredit the persons who act as representatives of the press, radio and television, and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpenas issued by the Assembly or any committee thereof.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but [he] *the Speakers* shall not be required to vote in ordinary legislative proceedings except where [his vote] *their votes* would be decisive. In all aye and no votes, the [Speaker's name] *Speakers' names, in alphabetical order,* shall be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of [the] *a* Speaker, the *corresponding* Speaker pro Tempore shall temporarily and for the period of vacancy or disability *act in that Speaker's place to* conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in [the] *an* office of Speaker, the Assembly shall select a new Speaker.

2

Reserved.

3

Reserved.

4

Reserved.

5

Reserved.

6

Reserved.

II. SESSIONS AND MEETINGS

10

Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

11

Open Meetings.

All meetings of the Assembly and its standing committees shall be open to the public.

12

Reserved.

III. DECORUM AND DEBATE

20

Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the [Speaker] *Speakers* shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the [Speaker,] *presiding officer,* the member shall not be allowed to proceed; but if it be not sustained, then he shall be permitted to go on. Every such decision from the [Speaker] *presiding officer* shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the [Speaker.] *presiding officer.*

21

Reserved.

22

Reserved.

23

Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) [Two] *Four* members of the Assembly appointed by the [Speaker from the majority political party;

(b) One member of the Assembly appointed by the Minority Leader from the minority political party; and

(c)] *Speakers; and*

(b) Two qualified electors of the state chosen by the members of the committee who are appointed pursuant to [paragraphs (a) and (b),] *paragraph (a),* neither of whom is a present or former member of the Legislature or employed by the State of Nevada.

2. The [Speaker] *Speakers* shall appoint two members of the Assembly, one from [the majority political party and one from the minority] *each major* political party to serve as alternate members of the committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4. The committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interest. All proceedings *held to consider the character, alleged misconduct, professional competence or physical or mental health of any person* by the committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the opinion of the committee at any time after his hearing; or

(c) Discloses the content of an advisory opinion issued to him by the committee.

5. A complaint which alleges a breach of ethics or a conflict of interest must be in writing and signed by the person making the allegation. The complaint must be filed with the [chairman] *chairmen* and he shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

6. The criterion to be applied by the committee in determining whether a Legislator has a conflict of interest is whether the independence of judgment of a reasonable person in his position upon the matter in question would be materially affected by:

(a) His acceptance of a gift or loan; or

(b) His private economic interest.

7. A Legislator who determines that he has a conflict of interest may vote upon, advocate or oppose any measure as to which a potential conflict exists if he makes a general disclosure of the conflict. In determining whether to vote upon, advocate or oppose the measure, the Legislator should consider whether:

(a) The conflict impedes his independence of judgment;

(b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;

(c) His participation is likely to have any significant effect on the disposition of the measure; and

(d) His interest is greater than the interests of an entire class of persons similarly situated.

IV. QUORUM, VOTING, ELECTIONS

30

Manner of Voting.

1. The [Speaker] *presiding officer* shall declare all votes but the ayes and noes shall be taken when called for by three members present, and the names of those calling for the ayes and noes shall be entered in the Journal by the Chief Clerk.

2. The [Speaker] *presiding officer* shall call for ayes and noes by a division or by a roll call, either electronic or oral.

3. When taking the ayes and noes on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the ayes and noes by oral roll call, the Chief Clerk shall take the names of members alphabetically except that the [Speaker] *Speakers, in alphabetical order,* shall be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The ayes and noes shall not be taken with the electronic roll call system until all members present are at their desks. The [Speaker] *Speakers* and the [Speaker] *Speakers* pro Tempore may vote at their desks or at the rostrum.

7. Only a member, certified by the Committee on Credentials *or special committee* of the Assembly, may cast a vote in the Assembly. A member shall not vote for another member on any roll call, either electronic or oral. Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

31

Reserved.

32

Announcement of the Vote.

1. A member may change his vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

33

Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

V. LEGISLATIVE BODIES

40

Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, [thirteen] *fourteen* members.
2. Judiciary, [fifteen] *fourteen* members.
3. Taxation, [eleven] *twelve* members.
4. Education, [eleven] *twelve* members.
5. Elections and Procedures, [eleven] *twelve* members.
6. Natural Resources, Agriculture and Mining, [eleven] *ten* members.
7. Labor and Management, [eleven] *ten* members.
8. Transportation, [nine] *ten* members.
9. Commerce, [thirteen] *twelve* members.
10. Health and Human Services, [eleven] *ten* members.
11. Government Affairs, fourteen members.
12. *Economic Development and Tourism, eight members.*

41

Appointment of Committees.

Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the [Speaker,] *Speakers,* unless otherwise directed by the Assembly. The [Speaker] *Speakers* shall designate the [chairman and vice chairman] *chairmen and vice chairmen* of each committee.

To facilitate the full participation of the members during the adjournment required by NRS 218.115, the [Speaker] *Speakers* may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

42

Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this rule. [Motions]

2. Except as otherwise provided in subsection 3, motions may be moved, seconded and passed by voice vote by a simple majority of those present . [, except that definite]

3. Definite action on a bill or resolution will require a majority of the entire committee [. A] *except when the vote on a motion to report a bill or resolution to the floor, with or without amendment, results in a tie vote of the entire committee. In that case, the bill or resolution must be reported out of committee without a recommendation for action. The vote on such a bill or resolution may be reconsidered at any time before the bill or resolution is transmitted back to the Assembly, upon a motion to reconsider which is approved by a majority of the entire committee. Such a motion to reconsider may be made by any member of the committee.*

4. Except as otherwise provided in subsection 3, a two-thirds majority of all the committee is required to reconsider action on a bill or resolution.

5. Committee introduction *of legislative measures which are not prefiled* requires concurrence of two-thirds of the committee and does not imply commitment to support final passage.

6. The [Chairman] *chairmen* shall vote on all final action regarding bills or resolutions.

7. No member of the committee may vote by proxy under any circumstances.

43

Subcommittees.

Subcommittees made up of committee members may be appointed by the [chairman] *chairmen* to consider and report back on specific subjects or bills.

44

Committee on Elections and Procedures.

The Committee on Elections and Procedures has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attachés and employ-

ees of the Assembly not otherwise provided for by law. It may suspend or remove any such attaché or employee for incompetency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

45

Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the [Speaker] *Speakers* shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Elections and Procedures. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its *findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its* recommendation on which [candidate] *person* should be declared elected [.] *or report that it has no recommendation.* The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the [Speaker] *Speakers* received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment [.] *, if a recommendation is made.* If the recommendation is accepted, the [Speaker] *Speakers* shall declare the recommended [candidate] *person* elected. If the recommendation is rejected [,] *or the committee did not make a recommendation,* the Assembly shall consider immediately [whether to declare another candidate elected.] *which person should be declared elected.* The [Speaker] *Speakers* shall not adjourn the Assembly until it has declared a [candidate] *person* to be elected.

4. The [Speaker] *Speakers* shall inform the Governor of the identity of the [candidate] *person* declared to be elected by the Assembly.

46

Committee Action on Reports.

Committee reports shall be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution shall be recorded. The vote may be taken by roll call at the discretion of the [chairman.] *chairmen.*

47

Committee Records.

The [chairman] *chairmen* of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there shall be entered:

1. The time and place of each meeting;
2. The attendance and absence of members;
3. *The name of the chairman presiding;*
4. The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and
[4.] *5.* The subjects or measures considered and action taken.

48

Disposition of Committee Records.

All minutes, records and documents in the possession of committees and their chairmen shall be filed in the offices of the Legislative Counsel Bureau upon adjournment sine die.

49

Committee Hearings.

[Public hearings shall be held on important bills and other matters of high public interest. Presence] *A public hearing must be held on each bill and resolution which is referred to committee. The presence* of a quorum of the committee is desirable but not required. Public hearings are opened by the *presiding* chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the *presiding* chairman, address the chair, furnish their names, addresses and firms or other organizations represented. Committee members may address the *presiding* chairman for permission to question the witness. When all persons present have been heard, the *presiding* chairman may declare *closed* the [public hearing closed] *portion of the meeting wherein the committee will accept public testimony* on the matter before proceeding to other matters.

50

Reserved.

51

Reserved.

52

Concurrent Referrals.

When a bill or resolution is referred to two committees , the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

VI. RULES GOVERNING MOTIONS

60

Entertaining.

No motion shall be debated until the same be distinctly announced by the [Speaker;] *presiding officer;* and it shall be reduced to writing, if desired by the [Speaker] *Speakers* or any member, and be read by the Chief Clerk before the same shall be debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

61

Reserved.

62

Reserved.

Particular Motions

63

Reserved.

64

Reserved.

65

Indefinite Postponement.

When a question is postponed indefinitely, the same shall not be considered again during the session and the question shall not be subject to a motion for reconsideration.

66

To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution shall not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

67

Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to

strike out and insert shall be deemed indivisible.

68

To Reconsider—Precedence Of.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, or before passing the order of Motions and Resolutions, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the day preceding the last day of the session.

VII. DEBATE

80

Speaking on Question.

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

81

Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

VIII. CONDUCT OF BUSINESS

A. Rules and Procedure

90

Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Standing Rules and orders of the Assembly, and the Joint Rules of the Senate and Assembly.

91

Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

92

Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3:

(a) All committees shall provide notice of public hearings on bills, resolutions or topics of high public importance at least 5 calendar days before such hearings.

(b) Notice for public hearings on bills, resolutions and topics not deemed by the chairmen to be of high public importance must be provided at least 24 hours before such hearings.

(c) Notice shall also be provided for all other committee meetings at least 24 hours in advance of such meetings.

Notices in all cases shall include the date, time, place and agenda to be covered and shall be posted conspicuously in the legislative building, appear in the daily history and be made available to the press.

2. The noticing requirements of this rule may be suspended for emergency situations but only after approval by a two-thirds vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

93

Reserved.

94

Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the [Speaker] *Speakers* to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this rule.

95

Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This rule does not apply to books containing the legislative bills and resolutions, the legislative daily histories, the legislative daily journals or Legislative Counsel Bureau material.

96

Peddling and Soliciting.

Peddling, begging and soliciting are strictly forbidden in the Assembly Chamber, and in the lobby, gallery and halls adjacent thereto, and no part of said chamber or halls shall be used for, or occupied by signs or other devices for any kind of advertising.

97

Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the [Speaker,] *Speakers,* or by a member in [his] *their* place. A brief statement of the contents thereof shall be made [verbally] by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

98

Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

99

Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

100

Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly shall be as follows:

1. The Constitution of the State of Nevada.
2. The Statutes of the State of Nevada.
3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
4. Mason's Manual of Legislative Procedure.

101

Reserved.

102

Reserved.

103

Reserved.

B. Bills

104

Reserved.

105

Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

106

Skeleton Bills.

The introduction of skeleton bills is authorized after the beginning of a session when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed. The committee, if it treats the skeleton bill favorably, shall then request the draft of a completed bill in such detail as would afford the committee the opportunity of considering the legislative ideas proposed in context with all their necessary ramifications.

107

Reserved.

108

Reserved.

109

Reading of Bills.

The [Speaker] *presiding officer* shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

110

Second Reading and Amendment of Bills.

All bills shall be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be engrossed and placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members shall be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended shall be reprinted, engrossed, and placed on the General File, and Senate bills so amended shall be reprinted, reengrossed, and placed on the General File.

Any member may move to amend a bill during its second or third reading, and such motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading shall be treated the same as bills with committee amendments. Any bill so amended upon the General File shall be reprinted and reengrossed.

The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

111

Consent Calendar.

1. On or before the 80th calendar day of a regular session, a standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the consent calendar. The question of recommending a bill for the consent calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended. If the bill is an Assembly bill, it must be engrossed upon receipt by the Chief Clerk of the committee's recommendation.

2. The Chief Clerk shall maintain a list of bills recommended for the consent calendar. The list must be printed in the daily history and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. Unless postponed by motion, the consent calendar must be considered on Monday and Thursday. A bill reported on Friday to Monday, inclusive, is eligible to be considered on the following Thursday; a bill reported on Tuesday to Thursday, inclusive, is eligible to be considered on the following Monday.

4. At any time before the presiding officer calls for a vote on the passage of the consent calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he objects to the inclusion of a particular bill on the consent calendar. If a member so objects, the Chief Clerk shall remove the bill from the consent calendar and transfer it to the second reading file. A bill removed from the consent calendar may not be restored to that calendar.

5. During floor consideration of the consent calendar, members may ask questions and offer explanations relating to the respective bills.

6. When the consent calendar is brought to a vote, the bills remaining on the consent calendar must be read by number and summary and the vote must be taken on their final passage as a group.

112

Reserved.

113

General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings shall be placed upon a General File, to be kept by the Chief Clerk. No bill shall be considered by the Assembly until the regular order of business shall have been gone through. Then bills shall be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. He shall likewise post notices of special orders as made.

114

Reserved.

115

Reconsideration of Vote on Bill.

On the first legislative day that the Assembly is in session succeeding that on which a final vote on any bill or resolution has been taken, a vote may be reconsidered on the motion of any member. Notice of intention to move such reconsideration shall be given on the day on which such final vote was taken by a member voting with the prevailing party. It shall not be in order for any member to move a reconsideration on the day on which such final vote was taken, except by unanimous consent. But there shall be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

116

Reserved.

117

Reserved.

C. Resolutions

118

Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions shall be identical to that of enacting bills. However, joint resolutions proposing amendments to the Constitution shall be entered in the Journal in their entirety.

119

Reserved.

120

Order of Business.

The Order of Business must be as follows:

1. Roll Call.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.

6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

121

Reserved.

122

Privileged Questions.

Privileged questions shall have precedence of all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

123

Privilege of Closing Debate.

The author of a bill, resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

124

Reserved.

125

Reserved.

126

Vetoed Bills.

Bills which have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same, shall be taken up and considered immediately upon the coming in of the message transmitting the same, or shall become the subject of a special order, and when the message is received, or (if made a special order) when the special order is called, the said message or statement shall be read together with the bill or bills so disapproved or vetoed; and the message and bill shall be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the [Speaker] *Speakers* is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall first have been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the [Speaker has] *Speakers have* stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill shall be entered upon the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

127

Reserved.

128

Reserved.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

140

Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees shall be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

141

Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

The following amendment was proposed by Assemblyman Giunchigliani:

Amendment No. 1.

Amend the resolution, page 7, line 2, after "*committee.*" by inserting: "*If such a bill or resolution is reported out of committee without a recommendation for action, the Assembly shall resolve itself into a Committee of the Whole and receive relevant public testimony before the bill or resolution is read for the third time on the floor of the Assembly.*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Sandoval.

Assemblyman Bache requested that Assemblyman Giunchigliani's remarks be entered in the Journal.

Thank you, Mr. Speaker. I rise in support of Amendment No. 1 which would require public input. It may seem innocuous to some of you, but in the interest of preserving public input testimony and open government, I believe we must make the effort to require testimony during the committee of the whole.

I will note that I continue to be opposed to this rule of having ties go to the floor. But if that's the deal that was made, then we have an obligation to preserve public input. I offer this amendment for the following reasons:

1. Ties to the floor abandons our underlying fundamental democratic principle of majority rule. Government seems to have abandoned many principles—we can't afford another. Majority rule assures that the legislation has some value (policy or otherwise), and that at least a majority considers it worthwhile to move forward for full debate. It saves taxpayer money and streamlines the process.

2. Also, ties don't die in committee, the bill is alive until it receives a majority to pass it out or to indefinitely postpone it. Don't be fooled by those who claim that due to the 21–21 ties this rule is necessary. It flies in the face of open government and cooperative government. It assumes controversy and partisanship. It doesn't keep a hammer over the committee's head to reach compromise, which is the premise for co-chairing. It negates the committee structure—which exists first and foremost for public input. Second, it affects a committee's ability to streamline our process by assessing the bill is good public policy. Third, it causes legislators to take the easy way out. Fourth, it absolutely lets lobbyists have even more control of the legislature than it does now! They no longer have to work to secure a majority vote. All they have to do is make a deal to force a tie. We need less lobbyist interference, not more. This rule is the lobbyist full employment act. During negotiations, our suggestion of a committee of the whole was accepted, which I appreciate. Unfortunately, it only came back as may go to a committee of the whole and may allow public testimony. It doesn't go far enough. That's why I'm offering this amendment. The arguments given during negotiation were "not everyone gets to hear all the information," or due to 21–21, some votes will be partisan, so we need to go to the floor to get another shot at the issue. Well, in order to have good government, you need open government. Therefore, by deleting and inserting shall, you'll make everyone listen to the bill, its history and testimony. And you'll assure that the public, whom we serve, not the lobbyists, will have another opportunity to promote legislation which is hopefully based on good policy, not rhetoric and partisanship. Opponents to changing may to shall

will probably say it will be too cumbersome, or it will take too much time. We were elected to do a job and do it fairly with full consideration, not swiftness at the expense of common sense. Therefore, I urge you to support the amendment to Rule 42.

Amendment lost.

Assemblyman Ernaut moved the adoption of the resolution.

Remarks by Assemblymen Tiffany, Batten, Anderson, Dini and Perkins.

Assemblyman Anderson requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I rise in support of A.R. No. 3, and I don't want there to be any confusion about it. However, I am a little concerned about the rhetoric of some of the previous statements. I believe that indeed the last few weeks have been filled with a great deal of compromise and agreement, but I believe that there has been a misstatement in terms of the public being excluded from the previous deliberations. In fact, that is not the case, even though the media often focuses on this particular body, and not on the real work of where the legislature takes place, that is in committee where the people do have the opportunity to give testimony. That body has always been open for the citizens of this state.

I believe this is a new age. I believe this is an age where we all can work together. This has been the hallmark of Nevada legislators. Nevada legislators, whether they be from the North or the South; whether they be Democrats or Republicans. It's the harmony to do for all the people of this state regardless of their political affiliations. It is indeed the spirit of that that makes me rise in support of this document. The new age in which we speak happens every two years in this Chamber. It's that new life that we always have to continue to breathe into this document. I'm concerned that this has not been made clear; the people always have the opportunity to approach these Chambers. I want to be sure these remarks are included in the record.

Resolution adopted.

By Assemblymen Dini, Bache, Manendo, Spitler, Krenzer, Chowning, de Braga, Giunchigliani, Neighbors, Price, Perkins, Marvel, Hettrick, Monaghan, Close and Segerblom:

Assembly Joint Resolution No. 14—Proposing to amend the constitution of the State of Nevada to require that the Governor and the Lieutenant Governor be affiliated with the same political party and be elected jointly.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That sections 2, 4 and 17 of article 5 of the constitution of the State of Nevada be amended to read respectively as follows:

[Sec:] *Sec.* 2. The Governor [shall] *and Lieutenant Governor must be affiliated with the same political party and must* be elected *jointly* by the *casting by each* qualified [electors] *elector of a single vote applicable to both offices* at the time and places of voting for members of the Legislature . [, and] *The Governor and Lieutenant Governor* shall hold [his] office for [Four Years] *four years* from the time of [his] *their* installation, and until [his successor shall be] *their successors are* qualified. *Each candidate for Governor shall file jointly with a candidate for Lieutenant Governor in primary elections, or otherwise comply with nomination procedures provided by law so that the offices of Governor and Lieutenant Governor are voted upon together in primary and general elections.*

[Section] *Sec.* 4. The returns of every election for United States senator and member of Congress, district and state officers, and for and against any questions submitted to the electors of the State of Nevada, voted for at the general election, shall be sealed up and transmitted to the seat of government, directed to the secretary of state, and the chief justice of the supreme court, and the associate justices, or a majority thereof, shall meet at the office of the secretary of state, on a day to be fixed by law, and open and canvass the election returns for United States senator and member of Congress, district and state officers, and for and against any questions submitted to the electors of the State of Nevada,

and forthwith declare the result and publish the names of the persons elected and the results of the vote cast upon any question submitted to the electors of the State of Nevada. The persons *or, in the case of the offices of governor and lieutenant governor, the team of persons* having the highest number of votes for the respective offices shall be declared elected, but in case any two or more *persons or teams* have an equal and the highest number of votes for the same office, the legislature shall, by joint vote of both houses, elect one of [said persons to fill said office.] *the persons or teams to fill the office or offices.*

[Sec: 17. A] *Sec. 17. The eligibility of the* Lieutenant Governor [shall be elected at the same time and places and in the same manner as the Governor and his term of Office, and his eligibility, shall also be the same. He] *is the same as that of the Governor. The Lieutenant Governor* shall be President of the Senate, but shall only have a casting vote therein. If during a Vacancy of the office of Governor, the Lieutenant Governor shall be impeached [,] *or* displaced, *shall* resign, die, or become incapable of performing the duties of the office, or be absent from the State, the President *pro-tempore* of the Senate shall act as Governor until the vacancy [be] *is* filled or the disability [cease.] *ceases.*

And be it further

RESOLVED, That section 22 of article 17 of the constitution of the State of Nevada be amended to read as follows:

Sec. 22. In case the office of any State officer, except *the Lieutenant Governor or* a judicial officer, shall become vacant before the expiration of the regular term for which he was elected, the vacancy may be filled by appointment by the Governor until it shall be supplied at the next general election, when it shall be filled by election for the residue of the unexpired term. *If a vacancy occurs in the office of the Lieutenant Governor, the person appointed as Lieutenant Governor by the Governor shall hold office until the next general election in which a Governor is elected.*

Assemblyman Dini moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Dini, Schneider, Evans, Krenzer, Anderson, Manendo, Goldwater, Ohrenschall, de Braga, Chowning, Spitler, Segerblom, Price, Neighbors, Perkins, Marvel, Hettrick, Monaghan, Close and Bache:

Assembly Concurrent Resolution No. 1—Encouraging the Department of Education and civic and community service organizations to implement and teach the Eddie Eagle Elementary Gun Safety Education Program.

Assemblyman Dini moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Dini, Goldwater, Spitler, Price, Krenzer, Manendo, Chowning, Ohrenschall, de Braga, Giunchigliani, Segerblom, Perkins, Marvel, Hettrick, Monaghan and Bache:

Assembly Bill No. 79—An Act relating to the University and Community College System of Nevada; requiring the legislative auditor to conduct a performance audit of the University and Community College System of Nevada; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Ted Krolicki.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Billinghurst Middle School: Marc E. Achurra, Corinne E. Brown, Steven M. Buell, Tamsen E. Carson, Cherie A. Conley, Melissa M. Drummond, Rick S. Elwood, Jennifer A. Evans, Stephen T. Faes, Katherine K. Flaherty, Jeffrey E. Harper, Greg T. Henderson, Lisa M. Herz, Stephanie A. Higgins, Alex E. Jones, Angela R. Kiley, Destiny N. Lake, Camille N. Manson, Kevin M. Meagher, Laarne L. Niell, Derek A. Orchard, Casey J. Powning, Angelina M. Reed, Raymond D. Robbins, Nicholas L. Schroeder, Darin A. Sutton, Christopher A. Tauchman, Kirstin E. Templeton, Giannine M. Tole, Timothy P. Bell, Melissa D. Burks, Amanda M. Carlson, Susan R. Carver, Tyson W. Colovich, Sara A. Cushman, Jessica M. Erling, Katy E. Hanson, Bradley J. Hartung, Lisa Hernandez, William R. Hull, Marisa A. Ice, Dustin M. King, Olivia W. Li, Christina R. Martin, Emily K. Moore, Joshua A. Moore, Natalie K. Park, Reena A. Pawley, Joshua L. Phelps, Jeffery A. Ritter, Michael E. Rowton, Christopher R. Sotoodeh, Shayla C. Stitser, Jason E. Tatomer, Kenneth R. Wideman, Steven M. Young, Dustin D. Abbott, Daniel L. Bria, Christina M. Brown, Cory D. Brown, Crista L. Cockrum, Dennyse M. Daniels, Zachery B. Gregovich, Stephen R. Houlet, Samantha A. Huston, Drew A. Ingram, Sean C. Johnson, Kristen M. Kalos, Amy E. Larsen, Jennifer M. Lyle, Cristina Medina, Carissa L. Monfalcone, Noami Nicolosi, Jason J. Pond, Kristina N. Postler, Seth C. Robinson, Roberto J. Roubicek, Michelle R. Shroyer, Krystal L. Stieger, Jason R. Stone, Tiffanie R. Story, Ryan R. Vanderbur, Brittany D. Warner and Jessica J. Williams.

Assemblyman Ernaut moved that the Assembly adjourn until Tuesday, January 24, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12 noon.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINTH DAY

CARSON CITY (Tuesday), January 24, 1995

Assembly called to order at 11:07 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblymen Freeman and Marvel, who were excused.

Prayer by the Chaplain, The Reverend Al Tilstra.

Almighty God, Creator of all things, giver of every good and perfect gift, hear us today as we seek Your blessing on the deliberations of this body. Hear us when we pray for all those in places of influence and authority, that they may do right. Guide those who lead us, and touch them with Your wisdom that their faith may be revived; their hope renewed and their vision made clear and challenging. May it be that no one here would add to the problems that are faced, but rather by Your help, to become part of the answer. So help us God. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Joint Resolution No. 15—Urging the Congress and the President of the United States to oppose the legalization of the use, possession and distribution of unlawfully obtained controlled substances.

Assemblyman Humke moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Concurrent Resolution No. 2—Urging peace officers to identify and arrest, and courts to impose prompt, meaningful and consistent sentences upon, juveniles who violate laws related to alcohol and drugs.

Assemblyman Humke moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Segerblom, Marvel, de Braga, Buckley, Nolan, Sandoval, Perkins, Krenzer, Giunchigliani, Bache, Price, Ohrenschall, Dini, Schneider, Hettrick, Neighbors, Arberry, Manendo, Chowning, Anderson, Evans, Spitler, Allard, Carpenter, Batten, Goldwater, Steel, Williams, Ernaut and Braunlin:

Assembly Bill No. 80—An Act relating to cultural resources; revising provisions regarding certain grants of financial assistance and the issuance of related general obligation bonds; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 81—An Act relating to programs for the treatment of alcohol and drug abuse; requiring the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation to conduct a study of the effectiveness of programs for the treatment of alcohol and drug abuse conducted in Nevada; establishing certain requirements for the study; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 82—An Act relating to records of criminal history; requiring, under certain circumstances, a peace officer to include in the report of a crime or an arrest an assessment of whether a criminal offender was under the influence of alcohol or controlled substances when he committed the offense or at the time of his arrest; requiring agencies of criminal justice to submit to the central repository for Nevada records of criminal history certain information concerning the use of alcohol or controlled substances by criminal offenders; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 83—An Act relating to peace officers; requiring peace officers to receive training in the detection of the use and abuse of alcohol and controlled substances; requiring the peace officers' standards and training committee to adopt regulations establishing the minimum requirements for that training; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 84—An Act relating to civil commitment; expanding the circumstances under which an alcoholic or a drug addict convicted of a crime is eligible to elect treatment for the abuse of alcohol or drugs before sentencing; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 85—An Act relating to civil commitment; requiring courts to place an eligible criminal offender in a program of treatment for the abuse of alcohol or drugs before sentencing under certain circumstances; requiring such an offender to pay for that treatment to the extent of his financial resources; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 86—An Act relating to controlled substances; expanding the circumstances under which a court may suspend proceedings for certain offenses relating to the possession of controlled substances and require offenders to participate in an educational or rehabilitation program; authorizing the court to reduce or suspend the sentence of an offender convicted of possessing a controlled substance for the purpose of sale if he renders assistance in the conviction of other persons; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 87—An Act making an appropriation to the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation for the support of certain programs of treatment for criminal offenders who abuse alcohol or drugs; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 88—An Act making an appropriation to the Eighth Judicial District for the expansion of its program of treatment for the abuse of alcohol or drugs; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 89—An Act relating to controlled substances; eliminating the mandatory minimum sentence for the unlawful use of certain controlled substances; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 90—An Act relating to intoxicating liquor; increasing the excise taxes on liquor; requiring the additional revenue to be used for the treatment of alcohol and drug abusers who have been accused or convicted of a crime; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 91—An Act relating to juvenile offenders; requiring the evaluation of a juvenile offender who unlawfully drives while under the influence of intoxicating liquor or a controlled substance to determine if he abuses alcohol or other drugs; providing for the treatment of such an offender; providing for the payment of that evaluation and treatment; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 92—An Act relating to juveniles; requiring the revocation of the driver's licenses of certain juveniles who drive under the influence of intoxicating liquor or a controlled substance; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 93—An Act relating to criminal offenders; prohibiting the director of the department of prisons from assigning an offender to a program for the treatment of an abuser of alcohol or drugs unless there is a substantial likelihood that the offender will complete the program; requiring the director to assign such an offender to residential confinement to complete the program of treatment under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 94—An Act relating to juveniles; requiring the revocation of the driver's licenses of certain juveniles who unlawfully purchase,

consume or possess an alcoholic beverage; delaying the initial issuance of a driver's license to such a juvenile; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 95—An Act relating to juveniles; requiring the department of motor vehicles and public safety to include a finding that a juvenile was driving under the influence of an intoxicating liquor or controlled substance in the driver's record of that juvenile for a certain period; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 96—An Act relating to traffic laws; requiring a court to dismiss the proceedings against certain persons accused of driving under the influence of an intoxicating liquor or controlled substance if such a person completes a program of treatment for alcoholism or drug abuse; authorizing courts to establish programs of treatment for such persons; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 97—An Act relating to traffic laws; requiring an offender convicted of driving under the influence of an intoxicating liquor or controlled substance for the first time to be placed in a program of treatment for alcoholism or drug abuse under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 98—An Act relating to the department of prisons; establishing within the department the position of coordinator of programs for the treatment of offenders who abuse alcohol or drugs; designating the duties of the coordinator; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Humke, Dini, Anderson, Lambert, Monaghan, Ernaut, Hettrick, Giunchigliani, Close, Arberry, Williams, Perkins, Sandoval and Tiffany:

Assembly Bill No. 99—An Act relating to state government; authorizing participation by the State of Nevada in the Conference of the States; providing for the appointment of delegates to represent the State of Nevada at that conference; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Elections and Procedures and Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the following standing committees, the first two-named members of each committee being the chairmen, the third and fourth named being the vice chairmen:

COMMERCE—

Spitler, Tiffany, Brower, Perkins, Allard, Arberry, Buckley, Fettic, Giunchigliani, Hettrick, Humke, Schneider.

ECONOMIC DEVELOPMENT AND TOURISM—

Schneider, Steel, Brower, Manendo, Batten, Close, Goldwater, Segerblom.

EDUCATION—

Harrington, Williams, Segerblom, Tripple, Batten, Bennett, Braunlin, Chowning, de Braga, Manendo, Neighbors, Stroth.

ELECTIONS AND PROCEDURES—

Close, Giunchigliani, Lambert, Perkins, Allard, Dini, Evans, Fettic, Freeman, Humke, Monaghan, Price.

GOVERNMENT AFFAIRS—

Bache, Lambert, Braunlin, Neighbors, Bennett, de Braga, Ernaut, Freeman, Harrington, Krenzer, Nolan, Segerblom, Tripple, Williams.

HEALTH AND HUMAN SERVICES—

Freeman, Monaghan, Evans, Harrington, Braunlin, Buckley, Krenzer, Nolan, Steel, Williams.

JUDICIARY—

Anderson, Humke, Buckley, Sandoval, Batten, Carpenter, Goldwater, Manendo, Monaghan, Ohrenschall, Perkins, Schneider, Steel, Stroth.

LABOR AND MANAGEMENT—

Krenzer, Nolan, Goldwater, Hettrick, Anderson, Bache, Carpenter, Ernaut, Manendo, Sandoval.

NATURAL RESOURCES, AGRICULTURE AND MINING—

Carpenter, de Braga, Bennett, Ohrenschall, Bache, Fettic, Humke, Neighbors, Sandoval, Segerblom.

TAXATION—

Price, Stroth, Ernaut, Schneider, Arberry, Brower, Lambert, Manendo, Marvel, Neighbors, Sandoval, Spitler.

TRANSPORTATION—

Batten, Chowning, Allard, Goldwater, Anderson, Carpenter, de Braga, Nolan, Ohrenschall, Tripple.

WAYS AND MEANS—

Arberry, Marvel, Evans, Tiffany, Allard, Brower, Chowning, Close, Dini, Fettic, Giunchigliani, Hettrick, Price, Spitler.

SPEAKERS—

Joseph E. Dini, Jr.

Lynn C. Hettrick.

SPEAKERS PRO TEMPORE—
Jan Evans.
Sandra J. Tiffany.
FLOOR LEADERS—
Peter G. Ernaut.
Richard D. Perkins.
ASSISTANT FLOOR LEADERS—
Robert E. Price.
Jeannine Stroth.
WHIPS—
Dennis L. Allard.
Wendell P. Williams.
ASSISTANT WHIP—
Saundra Krenzer.

REMARKS FROM THE FLOOR

Assemblyman Buckley requested that Assemblyman Goldwater's remarks be entered in the Journal.

I rise today on a somber note. The University of Nevada, Las Vegas, as well as the State of Nevada has experienced a loss. Dr. Murray Rothbard, who was a giant in the field of Economics and had a magnanimous personality has recently passed away. I first came in contact with Dr. Rothbard when I was in college. I purchased some textbooks. One was called, *A Man, the Economy and State* which was a treatise on Economics. Dr. Rothbard was the author, and I had gone into my office, which then consisted of a shower and sink, to read my first textbook. I read it for the first time almost cover-to-cover and didn't get any sleep. This man's ideas and thoughts were absolutely enthralling. He is considered an authority in the world on the history of economic thought. *A Man, the Economy and State* was not his only work. The month before his death he sent to press his second volume of the history of economic thought, which will be considered the authority on that particular discipline. He also published *America's Great Depression* which is a very controversial book on what caused America's depression. He was a very conservative thinker, almost conservative to the point of anarchy, who didn't believe in military, just thought government free market truly worked. Murray Rothbard was an inspiration to students and an inspiration to the community alike. His body of work will certainly live on to inspire, teach and motivate generations in the future. His ideas will endure to enrich our lives.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Resolutions Nos. 1, 2; Senate Bill No. 1; Senate Concurrent Resolution No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Sandi Archibald.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Scarborough, Mark Habersack, Arthur Busby and John Rogers.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Toney Michael Ramey.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, January 25, 1995 at 11 a.m., and that it do so in memory of Dr. Murray Rothbard.

Motion carried.

Assembly adjourned at 11:34 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE TENTH DAY

CARSON CITY (Wednesday), January 25, 1995

Assembly called to order at 11:06 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Freeman, who was excused.

Prayer by the Chaplain, The Reverend Lance Whitehurst.

Let us pray: God, please be with this group today, guide and direct them. As You have blessed this state since its gaining statehood, I pray that You will continue to bless these men and women as they try to make this a better place to live and raise a family. We ask all this in Your Holy and Precious Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Segerblom, Ohrenschall, Giunchigliani, Spitler, Anderson, Marvel, Arberry, Goldwater, de Braga, Neighbors, Buckley, Bennett, Manendo, Bache, Harrington, Krenzer, Schneider, Williams, Price, Evans and Batten:

Assembly Joint Resolution No. 16—Urging Congress to eliminate inequities in the payment of social security benefits based on the year that persons initially become eligible for such benefits.

Assemblyman Segerblom moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblyman Hettrick:

Assembly Concurrent Resolution No. 3—Directing certain state agencies to cooperate with the Tahoe Regional Planning Agency and the local governments in the Lake Tahoe Basin and to provide information within their fields of responsibility.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hettrick:

Assembly Concurrent Resolution No. 4—Directing the Legislative Commission to appoint a committee to continue the review of the Tahoe Regional

Planning Compact, including a review of the Tahoe Regional Planning Agency and the federal and state agencies that regulate activities in the Lake Tahoe Basin.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblyman Hettrick:

Assembly Concurrent Resolution No. 5—Expressing the support of the Nevada Legislature for the participation of the Department of Transportation in certain projects in the Lake Tahoe Basin.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Transportation.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 6—Adopting the Joint Rules of the Senate and Assembly for the 68th session of the Legislature.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Joint Rules of the Senate and Assembly as amended by the 67th session are adopted, with the following changes, as the Joint Rules of the Senate and Assembly for the 68th session of the Legislature:

1

COMMITTEES OF CONFERENCE

To Be Appointed by One House at Request of the Other.

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

There shall be but two committees of conference on any bill or resolution. A majority of the members of a committee of conference from each House must be members who voted for the passage of the bill or resolution.

2

MESSAGES

Procedure Concerning.

Proclamations by the Governor convening the Legislature in extra session shall, by direction of the presiding officer of each House, be read immediately after the convening thereof, filed and entered in full upon the Journal of proceedings.

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the Governor is at the bar."

The secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full upon the Journal of proceedings.

Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or Assistant Clerk, who shall be announced by the doorkeeper, enter within the bar, announce and deliver his message.

3

BILLS

Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the Secretary or Clerk of the House from which such notice is sent.

4

BILLS AND JOINT RESOLUTIONS

Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after announcement is made of their intention to do so, sign it in open session and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

5

Reserved.

6

PRINTING

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

7

RESOLUTIONS

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these joint rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

(f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:

(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

(b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the

Senate Committee on Legislative Affairs and Operations or the Assembly Committee on Elections and Procedures before submission to the Legislative Counsel.

8

VETOES

Special Order.

Bills which have passed a previous Legislature, and which are transmitted to the Legislature next sitting, accompanied by a message or statement of the Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read by the Clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

9

ADJOURNMENT

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

3. In addition to any adjournment taken pursuant to subsection 2, after the first 19 calendar days of a regular legislative session, the Legislature shall adjourn until the 36th calendar day of the regular session in accordance with NRS 218.115. During this adjournment, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall hold hearings in both the mornings and afternoons to consider the budgets of the major agencies of the state. The two committees shall, when practicable, meet jointly while maintaining majorities of both committees. During this adjournment all other standing committees may hold hearings at any place in the state on legislative measures or on any general topic which is pertinent to possible legislative action.

4. During the adjournment taken pursuant to subsection 3:

(a) Notwithstanding the provisions of Senate Standing Rule No. 92 and Assembly Standing Rule No. 92, an agenda may be revised by the chairman of a committee to add or delete any item at any time on the day before the meeting. The revised agenda must be posted at the place of the meeting, and must appear in the daily history when the Legislature reconvenes.

(b) Actions taken by committees have the same effect as actions taken while the Legislature is in session.

10

EXPENDITURES FROM THE LEGISLATIVE FUND

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a Concurrent Resolution regularly adopted by the Senate and Assembly.

11

LEGISLATIVE COMMISSION

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House, minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than 21 percent.

(b) Two, if such membership is between 21 percent and 33 percent.

If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the chairman of the commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this rule.

6. The chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

12

RECORDING COMMITTEE PROCEEDINGS ON AUDIO TAPE

1. Each standing committee of the Legislature shall record on audio tape the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each tape with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the tape was recorded;

(b) Keep the tapes in chronological order; and

(c) Deposit the tapes immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the tapes;

(b) Make the tapes available for listening by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person listening to any tapes and identifying the tapes listened to; and

(d) Retain the tapes for two bienniums and at the end of that period dispose of the tapes in any manner he deems reasonable.

13

REAPPORTIONMENT

The Committee on Government Affairs of the Senate and the Committee on Elections and Procedures of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. Any request for research concerning the population of proposed districts must be submitted to the Research Division of the Legislative Counsel Bureau through one of these committees.

14

LIMITATION ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

1. Except as otherwise provided in subsection 2, any request submitted, after a regular legislative session has convened, to the Legislative Counsel for the drafting of a bill or resolution will not be honored by the Legislative Counsel unless the request is approved by:

(a) A two-thirds vote of the members present in the House where it is to be introduced; or

(b) A standing committee of that House if the request was approved by two-thirds of all of the members of the committee before the request was submitted to the Legislative Counsel. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

2. After a regular legislative session has convened, the Legislative Counsel shall honor not more than 5 requests from each Assemblyman and not more than 10 requests from each Senator for the drafting of a bill or resolution which has not received the approval required by subsection 1.

3. After the first 10 calendar days of a regular legislative session, bills and joint resolutions may be introduced by:

(a) Standing committees without consent. A measure introduced by a standing committee must indicate the person or organization at whose request the measure was drafted.

(b) Except as otherwise provided in subsection 4, a member who had requested the drafting of the bill or resolution by the Legislative Counsel before the [11th] *16th* calendar day of the legislative session.

4. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the executive branch of state government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills and joint resolutions requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills and joint resolutions requested by or on behalf of a standing committee must be introduced by that committee.

5. Simple and concurrent resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

6. If two or more measures are being considered in the same house which are subtantively duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

7. A legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

8. Consent to suspend this rule may be given only by the affirmative vote of a majority of the members elected to the House where it is to be introduced, which must be entered in its Journal for that day, and the consent may apply to no more than one bill or resolution or request for drafting.

15

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker pro Tem, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty

required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

16

TIME LIMITATIONS ON INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

1. Except as otherwise provided in subsection 2, on the first legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. Bill drafts delivered pursuant to this subsection may not be introduced after the 15th legislative day.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the first legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. Bill drafts delivered pursuant to this subsection may be introduced only during the 15 legislative days following delivery.

17

DATE OF FIRST JOINT BUDGET HEARING

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the 92nd calendar day of the regular session.

18

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for delivery in this state to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this state;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this state;

5. The effect the required coverage will have on the cost of health care provided in this state; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

19

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

Assemblyman Giunchigliani moved the adoption of the resolution.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 100—An Act relating to bicycles; requiring a person to wear protective headgear while riding upon or operating a bicycle; creating the bicycle safety fund; prohibiting the sale or offer for sale of certain protective headgear; establishing civil liability for a parent or legal guardian of a minor who fails to wear protective headgear while riding upon or operating a bicycle; providing penalties; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 101—An Act relating to motor vehicles; authorizing the imposition of a fee to support programs against theft; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 102—An Act relating to the advisory board on automotive affairs; increasing the membership of the board; and providing other matters properly relating thereto.

Assemblyman Batten moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 103—An Act relating to taxicabs; making various changes to the statutory provisions which regulate taxicabs in certain counties; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Batten moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 104—An Act relating to motor vehicles; revising the provisions governing the maximum ground clearance of a motor vehicle; limiting the distance between the frame and the body of the vehicle; and providing other matters properly relating thereto.

Assemblyman Batten moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Nolan, Marvel, Harrington, Ernaut, Manendo, Segerblom, de Braga, Tripple, Stroth, Bennett, Buckley, Allard, Close, Batten and Chowning:

Assembly Bill No. 105—An Act relating to education; requiring the state board of education to provide for instruction concerning the effects of and punishments for crimes; and providing other matters properly relating thereto.

Assemblyman Nolan moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 106—An Act relating to criminal offenders; providing for the forfeiture of credit for good time served for commencing a frivolous civil action; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Buckley, Manendo, Bache, Nolan, de Braga, Giunchigliani, Evans, Tiffany, Price, Allard, Batten, Monaghan, Sandoval, Freeman, Chowning, Harrington, Krenzer, Williams, Arberry, Brower, Schneider, Steel, Spitler, Perkins, Ohrenschall, Carpenter, Tripple, Lambert, Hettrick, Stroth, Goldwater, Segerblom, Dini, Neighbors, Close, Fettic, Ernaut, Marvel and Anderson:

Assembly Bill No. 107—An Act relating to the state personnel system; providing an exemption from the annual limitation on hours for persons appointed temporarily by the University and Community College System of Nevada to provide necessary assistance to disabled or academically disadvantaged students; and providing other matters properly relating thereto.

Assemblyman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Resolution No. 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Veterans Elementary School: Shane A. Alexander, Ramiro Arellano, Scott D. Armstrong, Tishia J. Atwood, Banesa G. Blanco, David W. Brill, Zachary P. Bryson, Jessica Caro, Lyla M. Chace, Ch Chakartkriengkra, Samantha J. Dudley, Nicole Dumond, Jan-Michele B. Gould, Jennifer Hackert, Karen C. Intong, Jesse Lientz, Michelle A. Mancera, Brandi M. Melland, Theresa A. Moore, Lisa Odom, Nidia C. Ortiz, Sandra Perez, Claudia A. Ruvalcaba, Annalisa M. Schultz, Salem Thackeray, Mary F. Tyzbir, Jose Vega, Elisa R. Villa, Taunie M. Willaman, Josefina M. Arellano, John F. Ballard, Timothy N. Bender, Samuel I. Browne, Mark R.

Bustarde, Hulicer V. Contreras, Mary R. Darrough, Lexi D. Dayton, Obiora K. Eke, Araceli M. Fregoso, Stacey J. Henrikson, Mary L. Hunsucker, Ileana F. Johnson, Crystal M. Keever, Tabitha L. Marsh, Mayra E. Maya, James M. Miletich, Kristine Pangilinan, Rosa M. Perez, Carolos R. Ramos, Miriam L. Reyna, Christopher L. Rose, Jeovany V. Ruiz, Peter O. Stewart, Jason A. Thompson, Maria D. Arreola, Alfonso Caldera, Crysta A. Campbell, Jonathan Carbajal, Ashley E. Cooper, Jason A. Dowell, Paula Galvan, Jennifer M. Hill, Traci A. Iascone, Amanda N. Latham, Ines G. Lopez, Nicholas C. McCreary, Nicole J. Meiers, Brittany J. Melton, Mariah J. Mortimer, Jeffrey D. Odom, Christopher Packer, Amanda Pettipas, Leticia Reyes, Jennifer A. Richmond, Christina F. Salas, Kamille Spang, Amanda L. Stocke, Morgan K. Wright, Yonik Zarate, Teresa Zuniga, Jose J. Blanco, Charles C. Carr, John J. Coan, Ian V. Defazio, Eufemia R. Diaz, Anel Dominguez, Jeffrey Lumond, Chad W. Grubb, Edward D. Guevarra, John C. James, Cristina Martinez, Miriam C. Ortiz, Tanya L. Parks, Paloma L. Quintero, Jose R. Reyes, Otoniel Ruiz, Jayme V. Salcedo, Emanuel Sedano, Joseph L. Stecker, Shazuth A. Woods, Rose A. Yturbide, and teachers Mr. Ripley, Ms. Powers, Ms. Mundt and Ms. Fisher.

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Lynn Macy.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Ms. Jenelle Smith.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Barton.

Assemblyman Ernaut moved that the Assembly adjourn until Thursday, January 26, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:24 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ELEVENTH DAY

CARSON CITY (Thursday), January 26, 1995

Assembly called to order at 11:03 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Al Tilstra.

Today we come with gratitude for another day. Teach us daily to live life to the full. Be with Your servants in this chamber, in all things great and small, so that small things become great and great things become possible. Where we are wrong, make us willing to change, and where we are right, make us easy to live with. We ask all this in the name of Him who is the giver of life. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

THOMAS BATTEN, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 43, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Judiciary.

DOUGLAS BACHE, *Chairman*
JOAN LAMBERT, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Lambert moved that Assembly Bill No. 43 be re-referred to the Committee on Judiciary.

Remarks by Assemblyman Lambert.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Stroth, Perkins, Ernaut, Marvel, Buckley, Krenzer, Braunlin, Schneider, Close, Lambert, Tripple, Harrington, Humke, Anderson, Manendo and Sandoval:

Assembly Bill No. 108—An Act relating to firearms; increasing the penalty for larceny of certain firearms and for possession of certain stolen firearms; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Stroth, Ernaut, Marvel, Buckley, Krenzer, Braunlin, Schneider, Batten, Monaghan, Allard, Steel, Close, Lambert, Tripple, Humke, Manendo, Harrington and Anderson:

Assembly Bill No. 109—An Act relating to stalking; authorizing the issuance of a protective order for the victim of a person charged with a crime involving harassment or stalking who is acquitted by reason of insanity; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Stroth, Steel, Schneider, Lambert, Tripple, Ernaut, Anderson, Harrington, Humke, Buckley, Manendo and Braunlin:

Assembly Bill No. 110—An Act relating to witnesses; revising provisions concerning the exclusion of witnesses from certain proceedings; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 111—An Act relating to local government employees; expanding the scope of mandatory bargaining for teachers and certain persons employed by a school district; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 112—An Act relating to the commission on professional standards in education; eliminating the requirement that one member of the commission be an employee of a private school; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Dini, Fettic, Hettrick and Ernaut:

Assembly Bill No. 113—An Act making an appropriation to the Tricounty Railway Commission of Carson City and Lyon and Storey counties for restoration of the railroad line from Virginia City to Carson City; and providing other matters properly relating thereto.

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

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Suzanne LeBlanc.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Albert L. Crosby and Punam Mathur.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Ken Beall.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Schuhmacher.

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Rikard and Jim Salo.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Roz Smith and Tom Smith.

On request of Assemblyman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Wood.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Koenig.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Dickinson.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Jim Howard and Scott Howard.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Phelps.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Reed.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Sherri L. Bergner.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Lori L. Anderson and Edward Shelswell.

On request of Assemblyman Monaghan, the privilege of the floor of the Assembly Chamber for this day was extended to Diana McAdam.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Fearon.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Gauthier.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Steve McDonald.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Casados-Mueller.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Primack.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Joanna Wares.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Howard Skolnik.

On request of Assemblyman Steel, the privilege of the floor of the Assembly Chamber for this day was extended to Andy Gordon.

On request of Assemblyman Stroth, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Sue Matthews.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Miller.

Assemblyman Perkins moved that the Assembly adjourn until Friday, January 27, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:30 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE TWELFTH DAY

CARSON CITY (Friday), January 27, 1995

Assembly called to order at 11:21 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Lance Whitehurst.

Heavenly Father, we thank You for the privilege to be able to live in such a great country. A country where we are free and where a group of people chosen by the people can work together to make this state a good place to live. I pray that You will guide and bless the Assembly today and every day. In Jesus' Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 26, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 6.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 44.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 113.

MARY JO MONGELLI
Assistant Secretary of the Senate

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:24 a.m.

ASSEMBLY IN SESSION

At 11:44 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Joint Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 27, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 122.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Dini:

Assembly Bill No. 114—An Act relating to insurance; delaying the date on which the first prepayment of the insurance premium tax is due; requiring certain insurers to make a quarterly payment of the insurance premium tax; clarifying that the existing provisions of NRS governing the administration and enforcement of the insurance premium tax are applicable to the payments required by this act; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

By Assemblymen Giunchigliani, Spitler, Arberry, Marvel, Hettrick, Allard, Chowning, Close, Bache, Lambert, de Braga, Monaghan, Manendo, Tripple, Segerblom, Krenzer, Anderson, Neighbors, Tiffany, Ohrenschall, Buckley, Bennett, Evans, Sandoval, Harrington, Brower, Goldwater, Williams, Perkins, Price, Dini, Fettic, Schneider, Steel, Braunlin, Carpenter, Humke, Batten, Stroth and Ernaut:

Assembly Bill No. 115—An Act relating to sales; prohibits door-to-door sales during certain times of the day; authorizing certain older or mentally disabled persons to cancel specified contracts within prescribed periods; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen de Braga, Evans, Buckley, Sandoval, Ernaut, Giunchigliani, Chowning, Anderson, Segerblom, Bache, Neighbors, Arberry, Spitler, Dini and Freeman:

Assembly Bill No. 116—An Act relating to the Nevada commission for women; repealing the prospective expiration of the statute creating the Nevada commission for women; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 44.

Assemblyman Ernaut moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 113.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 122.

Assemblyman Ernaut moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 23.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 68.

Bill read second time, ordered engrossed and to third reading.

REMARKS FROM THE FLOOR

Assemblyman Manendo requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CHOWNING:

It is my extreme pleasure to introduce to you a lady, Ruth Stringer, who has spent 39½ years in education. She is the past president of the retired teachers, and is presently the legislative chairman for the Southern Nevada Retired Teachers. She is a constituent of my colleague, Assemblyman Monaghan.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Mr. Speaker. I don't have my own guest to introduce, but I wish to join in Mrs. Chowning's tribute to Ruth Stringer. Ruth Stringer has been recognized as Nevada's School Teacher of the Year. In her career as a school teacher, teaching in an economically deprived area, she saw fit to take children who were in her class, not only tutoring them but taking them into her home. She taught them life skills and took them across the country, so they could see these United States. In general, she gave of herself in an inspirational way that is rarely found. Since she stopped teaching, she has seen fit to contribute to senior citizens by spearheading the VITA Income Tax Assistance Program in southern Nevada. She is a great lady.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Cliven Bundy.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Ruth Stringer.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Mr. and Mrs. David Hoight.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Werdna Conrad and Edward Presley.

Assemblyman Ernaut moved that the Assembly adjourn until Monday, January 30, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12 noon.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly
LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTEENTH DAY

CARSON CITY (Monday), January 30, 1995

Assembly called to order at 11:05 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Gebbeken.

Let us pray: Heavenly Father, we ask for Your blessing on these elected men and women so that they may complete the tasks given to them by the people of the State of Nevada. May You unite them and give them strength and compassion for what comes, and hope for the future. Bless also their families who wait for them. In the Name we hold so dear. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Spitler:

Assembly Concurrent Resolution No. 7—Amending the Joint Rules of the Senate and Assembly for the 68th legislative session to establish a waiting period for voting on the general appropriation bill.

Assemblyman Spitler moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Resolution No. 4—Providing for the appointment of additional attachés.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Iris Bellinger, Cecilia Hackman and Maria A. Kelderman are elected as additional attachés of the Assembly for the 68th session of the Legislature of the State of Nevada.

Assemblyman Close moved the adoption of the resolution.

Remarks by Assemblyman Close.

Resolution adopted.

GENERAL FILE AND THIRD READING

Assembly Bill No. 23.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 23:

YEAS—42.

NAYS—None.

Assembly Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 68.

Bill read third time.

Remarks by Assemblymen Carpenter, Price and Nolan.

Roll call on Assembly Bill No. 68:

YEAS—42.

NAYS—None.

Assembly Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Neighbors (by request):

Assembly Bill No. 117—An Act incorporating the City of Pahrump, in Nye County, Nevada, pursuant to charter; making the incorporation contingent upon approval of the qualified electors of the city; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Spitler:

Assembly Bill No. 118—An Act relating to motor vehicles; requiring the department of motor vehicles and public safety to design and issue license plates for the support of missing or exploited children; imposing a fee for the issuance of those license plates to finance the operation of the clearinghouse for missing or exploited children; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Bache (by request):

Assembly Bill No. 119—An Act relating to children; authorizing the aunt or uncle of a child to petition for the right to visit the child after separation of the parents or relinquishment or termination of parental rights; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Bache:

Assembly Bill No. 120—An Act relating to state financial administration; creating the trust fund for the extraordinary maintenance, repair or improve-

ment of capital projects of the state; requiring the legislative auditor to conduct an audit of certain accounts in that trust fund after a certain period; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 10.

Resolution read second time, ordered engrossed and to third reading.

REMARKS FROM THE FLOOR

Assemblyman Spitler requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I would like to disclose to this body, that as Vice President of Human Resources and Corporate Communications of Sprint Central Telephone Company, our business is under the regulations of the State Public Service Commission and the Office of the Consumer Advocate. So, upon occasion, those bills do become a force. It is my intention not to participate in discussions on those issues, or to vote on those issues, particularly on the noncompetitive services.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Rae Perkins.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, January 31, 1995 at 10 a.m.

Motion carried.

Assembly adjourned at 11:22 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTEENTH DAY

CARSON CITY (Tuesday), January 31, 1995

Assembly called to order at 10:12 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend David Camp.

Let us pray: O Eternal Spirit, who has promised to lead us into all truth, prepare our hearts and minds for the business of this day, that we may behave with true courtesy and honor. Compel us to be just and honest in our dealings. Let our motives be above suspicion. Let our word be our bond. Let Your will be done in us. We pray in Your Holy Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

SPECIAL ORDERS OF THE DAY

The hour of 10:15 a.m. having arrived, vetoed Assembly Bills Nos. 359 and 687 of the 67th Session were considered.

Vetoed Assembly Bill No. 359 of the 67th Session.

Bill read.

Governor's message stating his objections read.

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89710

July 13, 1993

THE HONORABLE CHERYL LAU, *Secretary of State*, Capitol Building, Carson City, Nevada 89710

DEAR SECRETARY LAU:

I am herewith forwarding to your office, for filing within the Constitutional time limit, and without my approval, Assembly Bill No. 359 entitled:

> An act relating to the program of deferred compensation for state employees; making various changes regarding the committee established to administer the program; limiting the authority to make withdrawals from the program; and providing other matters properly relating thereto.

This bill is positive in its attempts to improve the deferred compensation program. However, section 5, subsection 3(a), requires the committee hire a private consultant which is expected to cost the deferred compensation fund approximately a hundred thousand dollars or more each year. The committee would be required to hire this consultant even though the true need for such an individual or corporation has yet to be

determined. Certainly, the committee presently has the authority, should they see the need, to hire such a consultant today. Discretionary authority is fine; the mandate is unacceptable.

The cost of this consultant would come directly out of the pockets of the state employees who invest in this program. It would reduce their retirement income. These employees have said they appreciate the value of this investment program but want us to avoid driving up the overhead costs.

Sincerely,

BOB MILLER
Governor

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:18 a.m.

ASSEMBLY IN SESSION

At 10:28 a.m.

Mr. Speaker presiding.

Quorum present.

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblyman Bache.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS—None.

NAYS—Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple, Williams, Mr. Speaker Dini, Mr. Speaker Hettrick—42.

Vetoed Assembly Bill No. 687 of the 67th Session.

Bill read.

Governor's message stating his objections read.

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89710

July 14, 1993

THE HONORABLE CHERYL LAU, *Secretary of State,* Capitol Building, Carson City, Nevada 89710

DEAR SECRETARY LAU:

I am herewith forwarding to your office, for filing within the Constitutional time limit, and without my approval, Assembly Bill No. 687 entitled:

> An act relating to tenancies; lessening the length of a notice to quit for certain short-term tenancies; requiring landlords to have a notice to quit delivered in person to certain tenants; and providing other matters properly relating thereto.

Any legislation affecting the stability or tenure of an individual's residence must be carefully scrutinized for its potential impact on that individual. Furthermore, any changes to existing law regarding the right to evict must be conservative in its approach.

This bill's attempt to address the concerns of landlords regarding delayed weekly rental payments skews the delicate balance between property owners' rights and tenants' needs. AB 687 constitutes too drastic a step for my support.

For example, the requirement that the landlord's two day eviction right last a full 120 days is excessive. After all, according to state law, a person is considered permanent enough to vote after only 30 days residence. If that person is stable enough to vote, they should be considered stable enough to be protected by the existing eviction notice period.

At a bare minimum, to be fair the bill should have required all notices delivered under the newly allowed two day standard to be personally delivered.

Sincerely,

BOB MILLER
Governor

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblymen Carpenter, Evans, Giunchigliani, Arberry and Buckley.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. Assembly Bill No. 687, during the last session received a very fair hearing. We had testimony from all sides. The Judiciary Committee worked very hard on this measure to make sure that everyone was protected. The Governor saw fit to veto it. At this time, we will be coming back with another bill and have more hearings so everybody can give their input. I felt it was a fair bill and did have a great deal of hearings last time and so, I will be voting to override the Governor's veto. Thank you.

ASSEMBLYMAN EVANS:

Mr. Speaker, I rise in support of the Governor's veto of Assembly Bill No. 687. The bill reduces the notice period for non-payment of rent evictions in weekly rentals from five to two days. The bill has raised a number of concerns. Mainly, that it may be unconstitutional because a court can evict tenants who may have no advance notice of the proceedings.

In terms of unconstitutionality of the bill, perhaps the most fundamental principal of due process of law is that a person may have a property right, here a tenancy, taken away without advance notice of legal proceedings, so that he or she may have the opportunity to appear and defend.

Under Assembly Bill No. 687, to evict a tenant for non-payment of rent, the landlord must first attempt personal service of a two day notice to quit. If a tenant is not at home, the landlord is authorized to "nail and mail." That simply means, he is to leave a copy of the notice on the premises by sticking it in the door, tacking it to a wall, etc. As proof, the landlord must have the signature of a witness to the attempted service. This requirement is easily evaded. A tenant cannot prove or disprove the alleged attempt.

Under current law, the landlord must, in addition to attempting personal service, mail a notice to the tenant and obtain a Certificate of Mailing from the Post Office. There is, therefore, some protection for the tenant. Current law requires a notice of five judicial days, which in actuality, means a minimum of eight calendar days. Unless the mail is misdirected, this period assures that the tenant gets actual notice in time to file an affidavit with the court if he or she asserts a defense. If no defense is raised, the tenant at least knows that he or she is being evicted before the sheriff shows up at the door.

Under Assembly Bill No. 687, however, a landlord may mail a notice on Monday and receive an Order on Wednesday at noon removing the tenant within 24 hours. Even in urban areas, it is highly unlikely that the tenant will receive this mailed notice before noon of the second day after service. In rural areas, where mail must be routed through Reno or Las Vegas, the problem is even worse. Under the above scenario, it is absolutely clear that

in many cases each year, tenants may be put out in the streets before they even know an eviction process has begun. It seems to me that this bill is unconstitutional, and the Governor was wise to veto it.

Thank you, Mr. Speaker.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. The genesis of Assembly Bill No. 687 is a result of changing the intent of language from a bill that I introduced last session, Assembly Bill No. 325. Rather than trying to build equity and due process as Assembly Bill No. 325 was attempting to do without harming apartment managers and apartment owners, the committee chose to introduce another bill that focused mostly on the time periods and affect on motels.

My district is unique, and my constituents are egregiously affected by the bill, and that is why I support sustaining the Governor's veto.

After my election, many of you heard or read statements by my opponent that people who lived in daily or weekly motels were registered to vote. I countered that these statements smacked of establishing a "wealth factor" for voter registration. I stated that I commended these people for exercising their constitutional right to register to vote, to enroll their children in school and to provide them the best home they are financially able. Approximately one quarter of my district houses motels and seniors, and families of working poor claim these as homes. It is my job as an Assemblywoman to try and balance their needs, along with apartment owners and apartment managers.

In fact, I believe there needs to be a due process for apartment managers in order to properly evict, but I do not believe Assembly Bill No. 687 was the answer.

Not only is this bill probably unconstitutional, it is also unfair. Presently, tenants have five judicial days or eight calendar days in which to pay back rent and avoid eviction.

Proponents of this bill will tell you that it hurts the small landlords. In reality, however, some of our largest landlords, especially in Clark County, have very profitable, large operations. For example, a 1,000 unit complex in Las Vegas offers weekly rentals of $149.50 for a studio, and $169.50 for a one bedroom. Landlords are frequently able to make more money on weekly rentals than by renting the same apartment on a monthly basis. For example, the $169.50 weekly one bedroom rental would translate to $734.50 a month.

There is a large market for weekly rentals because the working poor are often unable to put aside the funds necessary to rent monthly. A monthly rental virtually always requires a month's rent in advance, and in addition may require a second month's rent or security deposit. This means there is a need to put aside $500 to $1,250 in order to move in. The working poor are usually paid weekly, however, and find it very difficult to save this sum.

Apartment managers, being human beings, are subject to the same foibles as others. They can be guilty of discriminatory attitudes, personality conflicts with particular tenants, or a wish to cover their own mistakes. Tenants' rent payments may be lost, tender of payment may be refused, or a genuine dispute over the amount owed may exist. In these cases, tenants should have the right not only as a matter of constitutional law, but of fundamental fairness to have their day in court to raise these defenses.

There has also been much misinformation circulated by proponents of this bill that so-called professional tenants take advantage of the current system to live rent free. They indicate that if a tenant does file an affidavit, a court may not schedule a hearing for weeks. In truth, the average time for a hearing to be scheduled after the tenant files an affidavit is two days in Las Vegas and three days in Carson City. In Reno, the hearing is the first Monday after the notice expires. Current law, at NRS 118A.490, allows a landlord to petition a judge to require that current rent which comes due be paid into court if the hearing is continued.

Assuming that there may be a handful of so-called professional tenants floating around, there is no need to change the law for the many to cure this problem. Testimony before Assembly Judiciary in the last session indicated that in 93 percent of all cases, the landlord obtained possession without any contest. There was no testimony to show that any significant percentage of the 7 percent of tenants who did file affidavits did so in bad

faith. If "professional tenants" do exist, it would seem that landlords have the responsibility of protecting themselves through credit checks prior to renting. The burden should not fall on the vast majority of tenants, nor on society.

Assembly Bill No. 687 is unfair. I urge you to sustain the Governor's veto.

ASSEMBLYMAN ARBERRY:

Mr. Speaker, I rise in support of the Governor's veto of Assembly Bill No. 687. I share the concern of a number of cities and advocacy groups that the bill would contribute to homelessness. Increased homelessness would of course mean additional burdens for local taxpayers and already strapped social service agencies. This concern lead a number of groups to either oppose Assembly Bill No. 687 in the Senate last session, or ask the Governor to veto it. Included were: The cities of Las Vegas, Reno, Henderson and Sparks; the Alliance of the Mentally Ill in Nevada, Southern Nevada Homeless Coalition; Henderson Allied Community Advocates; Nevada Women's Lobby; Women's Development Center; Project Restart; Salvation Armies of both Reno and Clark County; Nevada Legal Services; Catholic Community Services of Nevada; and the Economic Opportunity Board of Clark County.

Proponents of this bill would have you believe that the primary reason that tenants fail to pay their rent is that they are either "deadbeats" or "professional tenants" trying to get something for nothing. The truth is that many of these tenants live on the edge of financial disaster and for a variety of reasons, many go over the edge. Tenants may not pay their rent on time due to delayed government checks, medical emergencies, family break-ups or wage disputes creates the necessity to put other bills first. For example, a car payment to avoid a repossession, etc. A period of two and a half days simply does not provide enough time to deal with these types of emergencies. Given a few extra days, tenants can often raise the money for rent: checks finally arrive, money can be borrowed, emergency relief can be obtained from the county or a charitable group, etc., or at least make arrangements for a new place to live. The failure to provide this extra time often means families are on the streets with no place to go.

This is the Year of the Family. The time period is simply too fast. Even if the tenant is personally served, two and a half days is too speedy and as Assemblywoman Evans said, many tenants will have no time at all. In our surrounding states, the shortest period of time from the moment the tenant is first notified that he or she is being evicted to the moment the sheriff or constable could lock them out is eight days. While the landlords deserve their property back if the rent cannot be paid, our larger society deserves an orderly process which does not create additional social problems.

Thank you, Mr. Speaker.

ASSEMBLYMAN BUCKLEY:

Thank you, Mr. Speaker. In order to avoid even the appearance of a conflict, because I testified against Assembly Bill No. 687 in the Senate on behalf of individuals on fixed incomes, while employed as an attorney with Nevada Legal Services, I will be abstaining from voting.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I didn't think we were going to get into a prolonged debate on this issue. The committee heard all of this last time. We are going to hear it again. I thoroughly sympathize with those people that have a real problem and can't pay. The testimony that we heard was that the landlords are very sympathetic. I didn't hear of one instance in the testimony last year that these people were put out on the street. We don't want them out on the street. But on the other hand, the landlords are the one's that have to make the investment so that these people have a place to live in the first place. If we don't have places for them to live, then they are really out on the street. This bill was an attempt to get some balance into the situation. I think it has provided that. We heard in testimony that it did provide that. This debate will surely be carried on, but I feel I should rise for the second time, Mr. Speaker, because all landlords out there are not the people that have been portrayed by some of the speeches here today. There are two sides to this story, and

we have to listen to it again. I'd like to say that if it wasn't for the landlords putting in the investment, these people would not have a place to stay. We have to have some balance. Thank you.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS—12.

NAYS—Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Chowning, Close, de Braga, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Harrington, Krenzer, Manendo, Marvel, Neighbors, Nolan, Ohrenschall, Perkins, Price, Schneider, Segerblom, Spitler, Steel, Williams, Mr. Speaker Dini—29.

Not voting—Buckley.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 121—An Act relating to public works; making various changes concerning bidding and awarding of contracts for public works; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 122—An Act relating to public health; requiring the state board of health to adopt regulations concerning certain administrative hearings and appeals; transferring certain duties of the state board of health related to the regulation of uranium mills, dairy products and medical laboratories to the health division of the department of human resources; and providing other matters properly relating thereto.

Assemblyman Monaghan moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Assembly Bill No. 123—An Act relating to pupils; requiring the expulsion of a pupil for the possession of a firearm; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Concurrent Committees on Education and Judiciary.

Motion carried.

By the Committee on Education:

Assembly Bill No. 124—An Act relating to education; revising provisions governing the program for accountability of school districts to the residents of the district and to the state board of education; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Ohrenschall, Goldwater, Freeman, Close, Batten, Krenzer, Anderson, Steel, Monaghan, Lambert, Bennett, Giunchigliani,

Manendo, Tripple, Arberry, Nolan, Segerblom, Neighbors, de Braga, Perkins, Schneider, Braunlin, Dini, Evans, Buckley, Chowning, Price, Sandoval, Spitler, Stroth, Humke, Bache, Carpenter, Ernaut and Hettrick:

Assembly Bill No. 125—An Act relating to juvenile courts; authorizing juvenile courts to place certain children under supervision of public agency to work on projects to eradicate graffiti; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 126—An Act making a supplemental appropriation to the division of forestry of the state department of conservation and natural resources for certain expenses relating to helicopters for use during the fire season; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 127—An Act making a supplemental appropriation to the division of agriculture of the department of business and industry for additional veterinary medical services; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 128—An Act making a supplemental appropriation to the department of taxation to offset revenue shortfalls and for additional data processing expenses; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 129—An Act making a supplemental appropriation to the division of forestry of the state department of conservation and natural resources for additional staff and equipment for the state administrative office; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 130—An Act relating to the state department of conservation and natural resources; revising provisions governing the

agency for nuclear projects within the department; revising provisions concerning the duties of the director of the department; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 131—An Act relating to gaming; providing for the regulation of inter-casino linked systems; prohibiting the operation of such a system without a license; providing exceptions to the requirement of licensure; authorizing a deduction from gross revenue for certain payouts to patrons; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 132—An Act relating to crimes; eliminating certain crimes related to authorizations to purchase food stamps or otherwise receive benefits under the Food Stamp Act of 1977; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 133—An Act relating to gaming; making various changes to the provisions governing the regulation of gaming; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 134—An Act relating to tenancies; reducing the length of time of a notice to quit for certain short-term tenancies; requiring landlords to attempt to have a notice to quit delivered in person to certain tenants; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 10.

Resolution read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Joint Resolution No. 10:

YEAS—40.

NAYS—Ernaut, Price—2.

Assembly Joint Resolution No. 10 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Ernaut requested that Assemblyman Allard's remarks be entered in the Journal.

Thank you, Mr. Speaker. I would like to disclose that I am a contractor, and own a contracting business. Therefore, in the interest of fairness, I will be abstaining on those votes which might directly benefit me. Thank you.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Cheryl Ganapol.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Billinghurst Middle School: Chris Adams, Kristy Allaire, Andrew Anderson, Korina Arias, Daniel Bergam, Rainney Bohdan, Spencer Brant, Sara Bulow, Jordan Callendar, Nicholas Campbell, Brianne Chappell, Jennifer Forsyth, Branden Garrison, Brian Getten, James Glover, Jayson Goade, Matthew Goodin, Krystal Griffing, Christopher Halecky, Lisa Hayworth, Adriana Hernandez, Sarah Howard, Anna Huls, Clemencia Hunter, Claudia Ibarra, Joseph Jaworowski, Jana Jin, Scott Kane, Beau Keenen, Maximilian Krochmal, Teresa Leach, Kahi Lievsay, Scott Littlefield, Melissa Long, Victoria Lopez, James Marks, Erika Martinez, Michael Mayhall, Brandon McGrath, Danielle McKernan, Kelli Meagher, Charles Miller, Tye Mortensen, Jessica Navarro, Kellen Nelson, Laura Ohran, Ricardo Ontiveros, David Ortmeier, Meghan Owens, Danielle Patterson, Justin Poole, Ashlee Priddy, William Reyes, Kieth Rider, Robin Rogalski, James Rossi, Angela Scarselli, Elizabeth Sewel, Brandon Shealy, Jason Sheffield, Travis Steele, Melissa Stombaugh, Monte Tackman, Stefanie Terry, Raquel Toddre, Ashlee Turman, Suzie Velasques, Robyn Voss, Jimi Welshonse, Matthew White, Randy Whitmore, Dara Williams, Roger Wolf, Heather Woodworth and teachers George Hastings, Pat Mathews, Leslie Chumrau, Dale Andrews and Chris Smith.

Assemblyman Ernaut moved that the Assembly adjourn until Wednesday, February 1, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:02 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 1, 1995

Assembly called to order at 11:06 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Al Tilstra.

Let us pray: Our Father, as we seek Your blessing, remind us that we cannot deceive ourselves. We dare not devise our own plans and draft our own schemes and then have the nerve to ask You to bless them, for we know that there are some things You will not and cannot bless. And unless Your blessing accompanies what we do here, we waste our time. So guide us in what we propose, so that You can bless us in what we produce. Through Your mighty Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

THOMAS BATTEN, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 6 of the 67th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JACK D. CLOSE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, January 31, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 66.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Ways and Means:

Assembly Concurrent Resolution No. 8—Amending the Joint Rules of the Senate and Assembly to remove the provisions that require the Legislature to adjourn for 2 weeks during the legislative session.

Assemblyman Arberry moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Goldwater and Ohrenschall:

Assembly Concurrent Resolution No. 9—Commending the Nevada Youth Baseball Association and urging the American Legion to award the bid to host the 1997 American Legion World Series Tournament to the Nevada Youth Baseball Association.

WHEREAS, This season marks the 70th anniversary of the founding of American Legion Baseball, an organization in which the youth of Nevada and her 49 sister states participate; and

WHEREAS, American Legion Baseball is the oldest and largest nationwide baseball program at the high school level in the United States, and has continued to grow rapidly with the formation of over 800 teams since 1987, including many teams created under the statewide jurisdiction of the Nevada Youth Baseball Association; and

WHEREAS, More than 1,000,000 participants have benefited from this program of service to the youth of America, including many youth in Nevada and almost 75 percent of all college baseball players and 66 percent of all major league baseball players; and

WHEREAS, In addition to improving the physical fitness and athletic prowess of the youth of America, American Legion Baseball strives to develop our youth in the areas of citizenship, sportsmanship, loyalty and team spirit; and

WHEREAS, American Legion Baseball enjoys a history of over 40 years in Nevada; and

WHEREAS, The Nevada Youth Baseball Association has administered baseball programs in Nevada since 1990, including serving as statewide director of American Legion Baseball in Nevada since 1991; and

WHEREAS, In addition to administering Legion and Junior Legion programs and statewide tournaments, the Nevada Youth Baseball Association has significant experience staging larger events, including hosting the Western 8 Regional Tournaments in 1992, 1993 and 1995; and

WHEREAS, Cashman Field in Las Vegas, Nevada, with its extensive facilities, is equipped to handle the throngs of fans who will attend the American Legion World Series Tournament; and

WHEREAS, The efforts of the Nevada Youth Baseball Association to host the American Legion World Series Tournament have generated the enthusiastic support of the community for the event and have resulted in generous pledges to finance the bid from professional organizations and organizations providing community services; and

WHEREAS, The State of Nevada has never had the honor of hosting the American Legion World Series Tournament, and the Nevada Youth Baseball Association, in cooperation with the American Legion Department of Nevada and various other professional organizations and organizations providing community services, is prepared and eager to promote, support and host the American Legion World Series Tournament at Cashman Field in Las Vegas, Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 68th session of the Nevada Legislature hereby commend the Nevada Youth Baseball Association for its commitment to the youth of Nevada and urge the American Legion to award to the Nevada Youth Baseball Associa-

tion, and the various organizations cooperating with it, the bid to host at Cashman Field in Las Vegas, Nevada, the American Legion World Series Tournament, which commences on August 21, 1997; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Executive Director of the Nevada Youth Baseball Association, the National Executive Director of the American Legion and the members of the National Executive Committee of the American Legion that will award the bid for the 1997 American Legion World Series Tournament.

Assemblyman Goldwater moved the adoption of the resolution.

Remarks by Assemblymen Goldwater, Humke and Ohrenschall.

Assemblyman Ohrenschall requested that Assemblyman Goldwater's remarks be entered in the Journal.

Thank you, Mr. Speaker. If I may, there are two points that may be overlooked. First, there is a time factor on Assembly Concurrent Resolution No. 9. The bids are required by February 14, 1995. We would like to get this resolution passed as soon as possible, given the adjournment. The second point, Las Vegas was asked to submit a bid. They did not solicit the bid. They were solicited to submit this bid, so in no way does it conflict with the north. This brings me to my next two points. The reasons why this is so important, and why we would like the American Legion World Series in southern Nevada are, first of all, it is a very big event. It is televised nationally, and can do much to enhance and encourage tourism in southern Nevada. We have the facilities, not only the hotel room space, but also lovely Cashman Field which is very well kept. Assemblywoman Ohrenschall of District No. 12 has joined with me in introducing Assembly Concurrent Resolution No. 9. Not only will this resolution help to encourage tourism and the positive aspects this will have on our community in southern Nevada, but additionally, the positive aspects that baseball and sports and other activities have on our communities. I personally feel that the issue of crime, which will be addressed in our Committee on Judiciary, will not be solved by the Committee on Judiciary, but will be solved on the baseball diamonds, football fields, basketball courts and schools in this state. This body recognizes that we encourage the participation in these activities, and I, therefore, move the adoption and encourage your vote on this concurrent resolution. Thank you, Mr. Speaker.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 135—An Act relating to the Western Interstate Commission for Higher Education; revising provisions governing the repayment of financial support received by students from the commission; authorizing the commissioners from this state to delegate certain powers to the director of the commission; eliminating a provision which allows students to qualify for financial support by contributing a certain amount of money; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 136—An Act relating to state financial administration; allowing greater revisions in work programs without approval; revising provisions requiring legislative approval of certain changes of position from

one occupational class to another; authorizing state agencies to accept larger governmental grants under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 137—An Act relating to counties; prohibiting the restraint of competition among bidders to purchase or lease county property; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 138—An Act relating to general improvement districts; exempting certain arrangements with private developers from certain laws governing public contracts; repealing the requirement for mailing and recording notice of a lien for unpaid rates, tolls or charges; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 139—An Act relating to counties; revising the provisions governing the expenditure of money by certain counties to encourage the preservation of certain species of wildlife; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 140—An Act relating to impact fees; requiring a local government to refund impact fees collected for certain housing for low-income households; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 141—An Act relating to community redevelopment; revising the provision governing the expenditure of money in a redevelopment revolving fund resulting from a levy approved by the voters; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 142—An Act relating to collective bargaining; limiting the application of provisions governing the arbitration of disputes between police officers and local government employers in counties and cities which are participating in a metropolitan police department; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 143—An Act relating to counties; authorizing a board of county commissioners to convey certain property belonging to the county to a nonprofit organization for the development of affordable housing for low-income families; providing for the reversion of that property to the county under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 144—An Act relating to public investments; broadening those investments permitted under a cooperative agreement entered into by public agencies or nonprofit medical facilities to provide insurance; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 145—An Act relating to parks; increasing the maximum number of members of a county park and recreation commission; revising the definition of "park project"; increasing the amount of certain claims for which a board of county commissioners may delegate the authority to approve; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 146—An Act relating to the control of floods; revising the number of affirmative votes necessary to amend the master plan of a district for the control of floods; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 147—An Act relating to wildlife; repealing the authority of the board of wildlife commissioners to establish the number of license agents to be designated in any locality; requiring the board of wildlife commissioners to adopt regulations establishing requirements for the furnishing of surety bonds by those agents; repealing the authority of the division of wildlife of the state department of conservation and natural resources to suspend a license agent's authority; increasing the service fees which license agents are entitled to receive; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen de Braga, Segerblom, Neighbors, Carpenter and Dini:

Assembly Bill No. 148—An Act relating to conservation districts; requiring the establishment of programs to provide grants of money to conservation districts; making an appropriation; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 149—An Act relating to procedure in juvenile cases; removing certain felonies involving the use of a firearm from the jurisdiction of the juvenile court; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 150—An Act relating to juvenile courts; making various changes regarding the certification of juveniles for trial as adults; repealing the provision authorizing the transfer to the juvenile court of certain cases involving a person between the ages of 18 and 21; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Stroth, Ernaut, Perkins, Arberry, Allard, Anderson, Braunlin, Batten, Bennett, Steel, Nolan, Monaghan, Carpenter and Schneider:

Assembly Bill No. 151—An Act relating to criminal procedure; requiring a criminal defendant to serve notice to the district attorney of witnesses the defendant intends to call at trial; allowing a criminal defendant and the district attorney to discover certain matters; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Schneider, Carpenter, Buckley, Steel, Sandoval, Bennett, Monaghan, Ohrenschall, Segerblom, Spitler, Humke, Giunchigliani, Stroth, de Braga, Ernaut, Anderson, Dini, Manendo, Hettrick, Goldwater, Harrington, Freeman, Batten, Perkins and Bache:

Assembly Bill No. 152—An Act relating to arbitration; requiring the arbitration of certain claims relating to residential property; and providing other matters properly relating thereto.

Assemblyman Schneider moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Bache, Ohrenschall, Manendo, Segerblom, de Braga, Monaghan, Harrington, Buckley, Humke, Allard, Sandoval, Carpenter, Brower, Spitler, Lambert, Batten and Chowning:

Assembly Bill No. 153—An Act relating to motor vehicles; requiring the department of motor vehicles and public safety to design and issue license plates which express support for the program for drug abuse resistance education; imposing a fee for the issuance of license plates to finance the program for drug abuse resistance education; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 66.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Resolution No. 4.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Robert G. Ballance.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Richard A. Leavitt, Brigham J. Leavitt, R. Allen Leavitt and Joshua M. Leavitt.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen J. Thompson.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, February 2, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:31 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 2, 1995

Assembly called to order at 11:08 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend David Camp.

Let us pray: Eternal God, who sustains us in life, take from us every proud thought. Fill us with patient understanding of others. Make us ready to help. Lord, give us a steady trust in Your reality in order to enable us to overcome fears and go forward with confidence and strength. To You be all glory and honor. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

JOHN C. CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 66, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM Z. HARRINGTON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Assembly Bill No. 22 be re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 1, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 63, 65.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 10.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 10:

Assemblyman Ernaut moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Bennett, Stroth, Allard, Schneider, Price, Neighbors, Segerblom, Batten, Fettic, Ernaut, Ohrenschall and Brower:

Assembly Bill No. 154—An Act relating to the business tax; providing for the exclusion of disadvantaged employees when calculating the number of equivalent full-time employees for purposes of determining the amount of tax due; and providing other matters properly relating thereto.

Assemblyman Bennett moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

By Assemblymen Sandoval, Carpenter, Schneider, Segerblom, Bennett, de Braga, Marvel, Ernaut, Anderson, Allard, Ohrenschall, Fettic, Bache and Neighbors:

Assembly Bill No. 155—An Act relating to hunting; prohibiting a person who has received a refund for his hunting license from being denied bonus points for additional chances to obtain a hunting tag; and providing other matters properly relating thereto.

Assemblyman Sandoval moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Sandoval, Carpenter, Schneider, Segerblom, Bennett, de Braga, Marvel, Ohrenschall, Ernaut, Anderson, Allard, Fettic and Neighbors:

Assembly Bill No. 156—An Act relating to hunting; clarifying the period during which certain replacement tags to hunt big game mammals are valid; and providing other matters properly relating thereto.

Assemblyman Sandoval moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Anderson, Bache, Manendo, de Braga, Segerblom, Buckley, Tripple, Carpenter, Allard, Hettrick, Ernaut, Giunchigliani, Nolan, Marvel, Neighbors, Evans, Price and Dini:

Assembly Bill No. 157—An Act relating to medical facilities; authorizing a hospital to admit licensed psychologists to its staff; providing certain rights

to patients and revising the authority of psychologists and nurses in a hospital that admits psychologists to its staff; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Assembly Bill No. 158—An Act relating to education; requiring school districts to make available to pupils who are excused from compulsory attendance because of certain physical or mental conditions free appropriate public education in compliance with federal law; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 159—An Act relating to forestry; requiring a person who removes or destroys certain trees or flora on land located within this state to obtain a permit therefor from the owner or occupant of the land or the appropriate public agency; providing exceptions; expanding the provisions relating to the removal or possession of a Christmas tree, cactus or yucca on certain lands to include lands owned by a city; requiring a shipping permit or contract to be in the possession of a person transporting Christmas trees, cacti or yucca into this state; revising the fees that may be charged for certain permits or tags issued or inspections conducted by the state forester fire warden; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 160—An Act relating to hunting; revising the number of restricted nonresident deer tags which may be issued; eliminating certain restrictions placed on tags that are not issued; increasing the fee for the tag; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 161—An Act relating to fishing; authorizing a person to fish using a second combination of hook, line and rod under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 162—An Act relating to the state environmental commission; requiring certain persons to participate in the period for the solicitation of public comment to preserve their right to appeal to the commission certain administrative decisions related to air pollution; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 163—An Act relating to community redevelopment agencies; authorizing such agencies to issue bonds at a discount; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 164—An Act relating to law enforcement; revising provisions governing the jurisdiction and authority of certain units of specialized law enforcement established within a political subdivision of this state; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Williams:

Assembly Bill No. 165—An Act relating to firearms; providing a criminal penalty under certain circumstances for providing a minor access to a firearm; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Evans, Price, Dini, Tripple, Segerblom, Freeman, de Braga, Williams, Arberry, Anderson, Tiffany, Close, Krenzer and Manendo:

Assembly Bill No. 166—An Act relating to property tax; providing an exemption for property owned by certain nonprofit organizations which is rented to certain other nonprofit organizations; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 63.

Assemblyman Ernaut moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 65.

Assemblyman Ernaut moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 14.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 29.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 6 of the 67th Session.

Resolution read second time, ordered engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Charles A. Muth.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Brian K. Hill.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Career College of Northern Nevada: Katherine Dean, Heather Gallego, Jason McKim and teacher Jean S. Penseyres.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Cherisse Rene Bowman and Phil Kinney.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Scarselli Elementary School: Lizzie Alexander, Matthew Cates, Britney Christen, Mike Escamilla, Niki Halcomb, Corie Hall, Nicole Imhoff, Bucky Jackson, Tony Bruemmer, Keith Laird, John Lindstrom, Sean Neuffer, Andrea Forsyth, Jayne' Pritchard, Dusty Rhoades, Celeste Santens, Randi Stevenson, Scott Sylvester, Ryan Waffird, Jessica Weisser, Jared Whitaker, Ryan McQueary, Nicholas Bedwell, Chantelle Bradley, William Bradshaw, Jennifer Calabrese, Trent Clanton, David Dannenfelser, Lindsay Deblose, Robert Garcia, Jason Gray, Anthony Guastella, Calie Hastie, Ashly Johnson, Emily Keene, Robert Kersten, Natasha McCann, Kent Mosher, Cheryl Micoll, Kelsey Sampson, Ashley Smith, William Tobin and Rachel Zacharias; teachers Janice Berston and Donna Cottrell and chaperons Rhonda Forsyth, Marla Whitaker, Jodi Christen, Sherri Jackson, Naomi Bruemmer, Mary Jane Pritchard, Cheryl Hall, Jeff Stevenson, Kathy Tobin, Randi Dannenfelser, Doug Deblose and Brian Keene.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Matt Briggs and Jeff Barr.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Cecilia Hackman.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Hilary Lewis.

On request of Assemblyman Steel, the privilege of the floor of the Assembly Chamber for this day was extended to Eric Fenster.

On request of Assemblyman Stroth, the privilege of the floor of the Assembly Chamber for this day was extended to Oscar Bailey.

Assemblyman Ernaut moved that the Assembly adjourn until Friday, February 3, 1995 at 11 a.m., and that it do so in memory of James Cashman, III.

Motion carried.

Assembly adjourned at 11:29 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINETEENTH DAY

CARSON CITY (Friday), February 3, 1995

Assembly called to order at 11:04 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, The Reverend Al Tilstra.

Let us pray: In these morning hours, at the end of this week, we must come again for wisdom and strength. We have asked for Your guidance in difficult decisions, yet it has not always come when we thought it should. Many of the situations and relationships for which we have asked Your intervention have remained the same. Forgive us for thinking, therefore, that You are unwilling to help us in our dilemmas, or that there is nothing You can do. Remind us, that when we plug in an electric iron and it fails to work, we do not conclude that electricity has lost its power, nor do we plead with the iron. We look at once to the wiring to find what has broken or blocked the connection source of power. May we do the same ourselves, that You may continue to work through us to do Your will. This we ask in Your name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Joint Resolutions Nos. 1, 2, 3, 4, 5, 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DOUGLAS A. BACHE, *Chairman*
JOAN A. LAMBERT, *Chairman*

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:08 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 2, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 41, 61.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 29 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 14.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 14:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Assembly Bill No. 14 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 6 of the 67th Session.

Resolution read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Joint Resolution No. 6 of the 67th Session:

YEAS—40.

NAYS—Bennett.

Absent—Carpenter.

Assembly Joint Resolution No. 6 of the 67th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Neighbors, de Braga, Segerblom, Ernaut, Hettrick and Marvel:

Assembly Joint Resolution No. 17—Proposing to amend the constitution of the State of Nevada to allow the legislature to designate places in the county other than the county seat for holding terms of the district court.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 7 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 7. The times of holding the Supreme Court and District Courts shall be as fixed by law. The terms of the Supreme Court shall be held at the seat of Government unless the Legislature otherwise provides by law, except that the Supreme Court may hear oral argument at other places in the state. The terms of the District Courts shall be held at the County seats of their respective counties [; Provided, that in case any county shall be

hereafter divided into two or more districts, the Legislature may by law, designate the places of holding Courts in such Districts.] *unless the Legislature otherwise provides by law.*

Assemblyman Neighbors moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 167—An Act relating to the state contractors' board; requiring that one member of the board be a licensed architect or licensed engineer; prohibiting the board from relieving the requirement of filing a bond or establishing a cash deposit for a contractor who practices residential construction; prohibiting the board from allowing certain contractors whose licenses have been suspended or revoked to begin work on a contract for which a building permit has not been issued; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Freeman (by request):

Assembly Bill No. 168—An Act relating to the University and Community College System of Nevada; requiring the board of regents of the University of Nevada to exempt all employees of the system from the payment of parking fees; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 169—An Act relating to property taxes; authorizing a nonprofit organization to acquire property held in trust by a county treasurer for delinquent taxes for the development of affordable housing for low-income families; providing for the reversion of that property to the county under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 170—An Act relating to parks; authorizing the imposition of a tax upon certain construction to create or improve parks to serve present residents; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 171—An Act relating to construction; requiring local building codes to permit the use of straw and solar energy to the extent feasible in the local climate; and providing other matters properly relating thereto.

Assemblyman Nolan moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 172—An Act relating to compensation; prohibiting an employer from applying tips or gratuities bestowed upon an employee as a credit toward the payment of wages to any other employee; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 173—An Act relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to revise the criterion for exemption of charitable organizations; providing for the expiration of all previously claimed exemptions; authorizing organizations to reapply for exemption; contingently providing the same exemption to certain analogous taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Anderson, Evans, Stroth, Buckley, Sandoval, Manendo, Price, Tiffany, Lambert, Goldwater, Bache, Freeman, Braunlin, Bennett and Neighbors:

Assembly Bill No. 174—An Act relating to the City of Sparks; eliminating the requirement of residency for the city clerk; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Giunchigliani, Bache, Segerblom, Neighbors, Anderson, Goldwater, Evans, Lambert, Price, Arberry, Chowning, Buckley, Freeman and Williams:

Assembly Bill No. 175—An Act relating to education; requiring attendance in kindergarten for children of a certain age; limiting to classes in the third grade the provision authorizing a variance from the maximum pupil-teacher ratio; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Bache, Anderson, Evans, Manendo, Buckley, Monaghan, Tiffany, Giunchigliani, Perkins, Lambert, Price, Arberry, de Braga, Steel, Sandoval, Krenzer, Segerblom, Ohrenschall, Carpenter, Braunlin, Goldwater, Nolan, Chowning, Williams, Spitler, Neighbors, Dini, Schneider, Marvel, Humke and Ernaut:

Assembly Bill No. 176—An Act relating to education; adopting a formula to determine the mobility of pupils; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Freeman, Humke, Anderson, de Braga, Ernaut, Evans, Lambert, Bache, Arberry, Giunchigliani, Goldwater, Ohrenschall, Manendo, Dini, Buckley, Spitler, Chowning, Schneider, Perkins, Price, Neighbors, Segerblom, Hettrick and Williams:

Assembly Bill No. 177—An Act relating to children; making the best interests of the child the determining factor in cases concerning the termination of parental rights; providing certain presumptions concerning the best interests of a child; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 41.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 61.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 21.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 66.

Bill read second time, ordered engrossed and to third reading.

REMARKS FROM THE FLOOR

Assemblyman Nolan requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I'm hoping to solicit your assistance in a small domestic affair, which I will have to deal with when I arrive in Las Vegas. Last week, when my wife, being late for work, was preparing our children to race out of the house, our number two son, four-year-old Joey whom many of you met as he made his way around the

Chambers on opening day, was dawdling. Upon encouragement to try to rush him, he went that much slower. My wife said, "That's fine. I'm leaving." She took my youngest son out to the car and waited for Joey to appear. Fifteen minutes had passed and he never appeared, so she went back into the house to find him. She found him talking on the phone. When she queried to whom he was talking, he informed her that he had dialed 911 and had reported her for abandoning him.

It took some explanation with the seasoned operator who had answered the call to convince her that this was not the case. After hanging up, my four-year-old son, being very perceptive, realized that he was in for a good dose of judicious corporal punishment. Whereupon he said, "If you hit me or spank me, I'll call 911 again and tell them you are beating me." At that point, he won a stay, at least until I arrive home.

I'm hoping you can help me with this dilemma. Mr. Speaker, perhaps we can open the roll call, and those of you who would be in favor of seeing Mr. Joseph Michael Nolan receive one good swat for falsely reporting his mother to the 911 operator would vote yes. I would like to have a vote, either by saying aye, or by doing it on the roll call. Can we do that, Mr. Speaker? Thank you, very much. He thanks you, I'm sure. If you could enter these comments into the record for his posterity and his posterior.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Lance Christie.

Assemblyman Perkins moved that the Assembly adjourn until Monday, February 20, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:55 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly
LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE THIRTY-SIXTH DAY

CARSON CITY (Monday), February 20, 1995

Assembly called to order at 11:04 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Elaine Morgan.

Let us pray: Dear Heavenly Father, we thank You for the blessings of this life. Be with each of us in a very special way. Help us to be silent and to listen, so that we may hear You as You speak to us in our hearts and in our minds and through the words of others. Be with each of us who has to make decisions, so that we may have the courage to choose Your way and make decisions that will benefit our state and its citizens. In Your Name.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

COMMUNICATIONS

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-2801

February 8, 1995

THE HONORABLE JOSEPH E. DINI, JR., THE HONORABLE LYNN HETTRICK, *Speakers of the Assembly,* Nevada State Legislative Building, 401 South Carson Street, Carson City, Nevada 89710

DEAR SPEAKERS DINI AND HETTRICK:

This letter is to officially request your consideration to address a joint session of the Nevada Legislature on Monday, April 17, 1995, at 11:05 a.m.

As you may know, the Contract with America agenda has been very aggressive. I would like the opportunity to discuss anticipated changes issuing from the 104th Congress and the effects of those proposed changes upon the State of Nevada.

If you require additional information, please contact Mark Emerson, Chief of Staff, at my Washington, D.C. office.

Thank you for your time and courtesy in this matter.

Sincerely,

JOHN E. ENSIGN
Member of Congress

UNITED STATES SENATE
WASHINGTON, D.C.

February 14, 1995

THE HONORABLE JOSEPH DINI, JR., *Speaker,* State of Nevada Assembly, 401 South Carson Street, Carson City, Nevada 89710

DEAR SPEAKER DINI:

I am writing to request the privilege of speaking before both Houses of the Nevada State Legislature at 11:00 a.m. on Monday, April 10, 1995.

Mary Conelly, Regional Manager for my Reno office, will be handling the details of my visit. She can be reached at (702) 784-5568.

I look forward to seeing you in April.

Sincerely,

HARRY REID
United States Senator

THE AMERICAN LEGION
DEPARTMENT OF NEVADA
737 VETERANS MEMORIAL DRIVE
LAS VEGAS, NEVADA 89101

February 14, 1995

Subject: Visit of WILLIAM M. DETWILER, *National Commander,* The American Legion

MR. JOE DINI, *Co-Speaker,* Nevada State Legislature, Carson City, Nevada 89710

DEAR SIR:

The Department of Nevada, American Legion, would appreciate if you and Co-Speaker, Mr. Lynn Hettrick would jointly present our National Commander before a joint meeting of the Nevada Legislature on March 6, 1995.

Any further information needed on this subject may be obtained from the Department of Nevada Adjutant, Romain Roethel, at the above address or our Legislative Representative, Archie Pozzi in Carson City; phone is 882-1500.

The Department of Nevada American Legion thanks you for your consideration in this matter.

Sincerely,

THOMAS R. VINEER
Department Commander

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 3, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 9.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 20, 24, 57, 80, 81, 116.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 114.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Marvel:

Assembly Bill No. 178—An Act relating to mining claims; authorizing the locators of certain lode mining claims to remove durable plastic pipe used to define the boundaries of the claims and to replace the pipe with valid legal monuments; revising the specifications for the preparation of maps required for certain mining claims; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 179—An Act relating to counties; revising the circumstances under which a board of county commissioners may authorize the use of a county highway patrol or a snowplow on a private road; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Marvel, Arberry, Tiffany, Fettic, Hettrick and Ernaut:

Assembly Bill No. 180—An Act relating to tort actions; limiting noneconomic damage awards in certain actions; restricting attorney's fees in certain actions; permitting introduction of specified collateral benefits at trial in certain actions; providing for periodic payments of future damages in certain actions; providing a statute of limitations for actions for product liability; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 181—An Act making an appropriation to the University and Community College System of Nevada for the support of the health service corps; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 182—An Act making a supplemental appropriation to the supreme court for an anticipated shortfall in revenue from administrative assessments; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 183—An Act relating to the University and Community College System of Nevada; authorizing the issuance of revenue bonds to pay a portion of the cost of constructing a building for an applied technology center at the Truckee Meadows Community College; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 184—An Act making an appropriation to the division of water resources of the state department of conservation and natural resources for certain costs of litigation involving the stream systems of the

Truckee, Carson and Walker rivers and for costs related to consultants on the administration of water resources statewide; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 185—An Act relating to involuntary manslaughter; including within the crime of involuntary manslaughter the violation of certain traffic laws resulting in another person's death; imposing a penalty; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 186—An Act relating to proceedings in criminal cases; expanding the definition of "victim" to include any relative of the victim; allowing a personal representative of the victim to appear at the sentencing of a criminal defendant; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 187—An Act relating to motor vehicles; prohibiting the department of motor vehicles and public safety from disclosing the name or address of a person for private use unless that person authorizes the disclosure; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 188—An Act relating to public utilities; repealing the prospective expiration of the provision requiring public utilities to pay assessments for certain expenses incurred by the public service commission of Nevada; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 189—An Act relating to public utilities; expanding the circumstances under which certain civil penalties may be imposed against a public utility; authorizing the public service commission of Nevada to seek recovery of unpaid fines imposed by the commission in complaints filed for

the imposition of such penalties; revising the procedural requirements for the imposition of such penalties; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 190—An Act relating to aircraft carriers; repealing the authority of the public service commission of Nevada to require aircraft carriers to file and keep in force adequate indemnity bonds or insurance; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 191—An Act relating to trade practices; granting immunity from liability to the secretary of state and his employees for acts or omissions relating to the protection of trade-marks, trade names and service marks; providing for the amendment of a certificate of registration of a mark; revising the requirements for the registration or assignment of a mark; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 192—An Act relating to hearing aid specialists; prohibiting a hearing aid specialist whose license has been revoked from being involved in a business which sells or dispenses hearing aids; authorizing hearing aid specialists to sell hearing aids by catalog or mail to certain persons; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Arberry, Marvel, Giunchigliani, Dini, Chowning, Hettrick, Spitler, Fettic, Tiffany, Price, Bache, Krenzer and Close:

Assembly Bill No. 193—An Act making an appropriation to the University and Community College System of Nevada for certain furniture and equipment for the Cheyenne and West Charleston campuses of the Community College of Southern Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ernaut, Hettrick, Dini, Sandoval, Schneider, Stroth, Nolan, Harrington, Allard, Marvel, Arberry, Giunchigliani, Spitler, Brower, Tiffany, Neighbors, Carpenter, Segerblom, Braunlin, Steel and Price:

Assembly Bill No. 194—An Act relating to the state budget; requiring the interim finance committee to establish a program of fundamental reviews of all state agencies; requiring state agencies to cooperate and provide requested information; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Price, Anderson, Williams, Krenzer, Freeman, Ernaut, Tiffany, Marvel, Giunchigliani, Chowning, Ohrenschall, Bache, Buckley, Schneider, Spitler, Humke, Lambert, Manendo, Harrington, Perkins, Bennett, Braunlin, Fettic, Steel, Dini, de Braga, Neighbors, Hettrick, Tripple, Brower, Allard, Monaghan, Close, Nolan, Segerblom, Stroth, Sandoval, Goldwater, Batten and Carpenter:

Assembly Bill No. 195—An Act relating to the state legislature; requiring the immediate disclosure on the weekly list of bill draft requests of the name of a legislator who requests the preparation of a legislative measure; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 20.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 24.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 57.

Assemblyman Ernaut moved that the bill be referred to the Concurrent Committees on Government Affairs and Labor and Management.

Motion carried.

Senate Bill No. 80.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 81.

Assemblyman Ernaut moved that the bill be referred to the Committee on Economic Development and Tourism.

Motion carried.

Senate Bill No. 114.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 116.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 1.

Resolution read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 2.

Resolution read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 3.

Resolution read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 4.

Resolution read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 5.

Resolution read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 6.

Resolution read second time, ordered engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 21.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 21:

YEAS—42.

NAYS—None.

Assembly Bill No. 21 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 66.

Bill read third time.

Remarks by Assemblyman Braunlin.

Roll call on Assembly Bill No. 66:

YEAS—42.

NAYS—None.

Assembly Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REMARKS FROM THE FLOOR

Assemblyman Bennett requested that Assemblyman Ohrenschall's remarks be entered in the Journal.

I wish to take a moment to memorialize the passing of Dr. Ernest W. Searles. Dr. Searles was an immigrant from Greece. He exemplified all the virtues that we associate with Nevada. Dr. Searles came here with very little education, took all the jobs that we consider very low within our casino industry such as washing dishes, being a short order cook, becoming a dealer and managed to pay his way through college earning a Doctorate in Economics. Not only did he become a Professor of Economics, he pioneered the community college movement in southern Nevada. Dr. Searles was one of the founders and the most fondly remembered professors at the Clark County Community College. I request that this honorable body would join me in a moment of silence in his memory.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Fortier.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Celia Evans and Marilyn Beaudette.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Nicolas Martinez.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Jose L. Melendrez.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Maloney and Ken Lambert.

Assemblyman Ernaut moved that the Assembly adjourn until Tuesday, February 21, 1995 at 11:30 a.m., and that it do so in memory of Dr. Ernest W. Searles.

Motion carried.

Assembly adjourned at 11:43 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE THIRTY-SEVENTH DAY

CARSON CITY (Tuesday), February 21, 1995

Assembly called to order at 11:39 a.m.
Speaker Dini presiding.
Roll called.
All present.
Prayer by the Chaplain, The Reverend Bruce Henderson.

Let us pray: Our Father, what a beautiful day! Thank You. A beautiful day and we're confined inside. Allow us a moment to escape within our minds . . . and feel the warmth . . . and hear the birds . . . and smell the freshness. Ah, now may we be strengthened and refreshed as we get back to our task. May we never get so tired that we forget the people we serve. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 1.
Resolution read third time.
Remarks by Assemblyman Freeman.
Roll call on Assembly Joint Resolution No. 1:
YEAS—42.
NAYS—None.

Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 2.
Resolution read third time.
Remarks by Assemblyman Segerblom.
Roll call on Assembly Joint Resolution No. 2:
YEAS—42.
NAYS—None.

Assembly Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 3.
Resolution read third time.
Remarks by Assemblyman Krenzer.

Roll call on Assembly Joint Resolution No. 3:

YEAS—41.

NAYS—Anderson.

Assembly Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblyman Braunlin.

Roll call on Assembly Joint Resolution No. 4:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 5.

Resolution read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Joint Resolution No. 5:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 5 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblymen Braunlin, Ernaut and Freeman.

Assemblyman Tiffany requested that Assemblyman Ernaut's remarks be entered in the Journal.

Thank you, Mr. Speaker. This is the middle of the pack of bills that came from the interim study committee on TRPA. I just wanted to publicly acknowledge the work of my colleague from District 39 and the people from Government Affairs on their hard work on these bills. They are much needed, very important and although my colleague's predecessor from District 39 and myself have been staunch opponents on some of the things this agency has done over the years, I do think they are steps in the right direction. This committee and all of its members should be commended on their hard work.

Roll call on Assembly Joint Resolution No. 6:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 20, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 58, 59.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Price (by request):

Assembly Joint Resolution No. 18—Urging Congress to reconsider the exemptions for certain states from the federal prohibition against gambling on college sporting events.

Assemblyman Price moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 196—An Act relating to education; revising provisions governing the date for reporting by school districts of certain information concerning pupils, teachers and schools to the residents of the district; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 197—An Act relating to education; making various changes to provisions governing the program for the accountability of school districts; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 198—An Act relating to constables; providing an alternative method of carrying out the duties of a constable in certain counties; increasing the amount of fees and specifying additional fees to be charged; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 199—An Act relating to the state personnel system; expanding the state agencies that are required to comply with the procedure for employing or reclassifying persons who provide primarily information services; conforming that procedure to previous statutory changes; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 200—An Act relating to state information services; reorganizing the department of information services; eliminating certain powers and duties of the information technology advisory board; repealing the provisions governing the appointment and duties of the coordinator of communications; eliminating the fund for the communications division of the department of information services; eliminating the department of information services' telecommunications fund; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Stroth, Sandoval, Carpenter, Steel, Monaghan, Schneider, Buckley, Humke, Anderson, Batten, Bennett and Goldwater:

Assembly Bill No. 201—An Act relating to parole; requiring the date for the first hearing to consider the release of an offender on parole to be set when the offender is sentenced for a crime; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ernaut, Nolan, Stroth, Allard, Harrington, Carpenter, Bennett, Schneider, Goldwater, Williams and Lambert:

Assembly Bill No. 202—An Act to amend the title of and to amend an act entitled, "An Act relating to the Tahoe Regional Planning Compact; incorporating various changes proposed by legislation enacted by the State of California; and providing other matters properly relating thereto," approved March 16, 1987.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Goldwater, Schneider, Bache, Ernaut, Fettic, Sandoval, Marvel, Price, Spitler, Manendo, Nolan, Buckley, Williams and Dini:

Assembly Bill No. 203—An Act relating to state financial administration; establishing a program for the payment of bonuses to state employees; establishing the criteria for the payment of such bonuses; requiring the bonuses to be paid from savings realized by state agencies; excluding certain money from consideration as savings; requiring the creation of a committee on merit awards in each state agency; requiring the director of the department of administration to notify state employees concerning the bonuses; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Williams, Price, Arberry, Krenzer, Buckley, Anderson, Segerblom, Ernaut, Goldwater, Harrington, Schneider and Manendo:

Assembly Bill No. 204—An Act relating to housing authorities; requiring that one commissioner be a tenant of a project of the authority; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Spitler:

Assembly Bill No. 205—An Act relating to motor vehicles; expanding the definitions of "new vehicle," "used vehicle" and "used vehicle dealer" for the purposes of the sale and registration of such vehicles; establishing restrictions for the sale of certain vehicles by certain long-term lessors; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 206—An Act relating to marriage; revising provisions governing the existence of commissioner townships for civil marriages; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 207—An Act relating to involuntary manslaughter; including within the crime of involuntary manslaughter and imposing a penalty for the violation of certain traffic laws resulting in another person's death; revising the provisions governing the punishment for involuntary manslaughter; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 208—An Act relating to jurors; increasing the amount of money paid to jurors for their service; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 58.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 59.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Assemblyman Hettrick moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:03 p.m.

ASSEMBLY IN SESSION

At 12:08 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Taxation, to which was referred Senate Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Marvel moved that Senate Bill No. 122 be placed on the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 209—An Act relating to the state budget; providing for the creation of one or more legislative committees for the fundamental review of the base budgets of state agencies; providing the duties and powers of such a committee; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 210—An Act relating to governmental budgets; revising deadlines for the submission of certain budgetary information; broadening the scope of budgetary information provided to the fiscal division of the legislative counsel bureau by the budget division of the department of administration; providing a deadline for the governor to submit sufficiently detailed requests for legislative measures to carry out the state budget; creating a budget subcommittee of the legislative commission; and providing other matters properly relating thereto.

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

Motion carried.

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

Assembly in recess at 12:14 p.m.

ASSEMBLY IN SESSION

At 12:15 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

THOMAS BATTEN, *Chairman*

SECOND READING AND AMENDMENT

Senate Bill No. 122.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 29.

Amend the bill as a whole by deleting sections 1 through 12 and the text of the repealed section and adding new sections designated sections 1 and 2, to read as follows:

"Section 1. 1. Each insurer which, pursuant to NRS 680B.027, paid or is required to pay a tax of at least $2,000 on net direct premiums and net direct considerations written during the 1994 calendar year, shall file a report for the first quarter of the 1995 calendar year on or before March 31, 1995. The report must be in such form as prescribed by the executive director of the department of taxation. The report must be accompanied by a payment made payable to the department of taxation in an amount equal to 25 percent of the tax paid or required to be paid on net direct premiums and net direct considerations written during the 1994 calendar year.

2. Notwithstanding the provisions of NRS 680B.027 to the contrary, the prepayment otherwise due on or before March 1, 1995, pursuant to the provisions of NRS 680B.027, is due on or before June 15, 1995, and must be paid at the same time as the prepayment due on or before June 15, 1995.

3. An insurer which makes the quarterly payment that is due pursuant to subsection 1 shall subtract the amount of the quarterly payment actually made from the amount otherwise due pursuant to subsection 2.

4. All of the provisions of NRS, including specifically those imposing penalties or other requirements concerning reporting and nonpayment, underpayment or late payment of a prepayment or any other form of the tax as required by NRS 680B.025 to 680B.039, inclusive, are applicable to insurers and other persons who, pursuant to NRS 680B.027, are required to pay the tax on net direct premiums and net direct considerations, to the same extent and in the same manner as if this section were included in the provisions of NRS 680B.025 to 680B.039, inclusive.

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

Amend the title of the bill to read as follows:

"An Act relating to insurance; delaying the date on which the first prepayment of the insurance premium tax is due; requiring certain insurers to make a quarterly payment of the insurance premium tax; clarifying that the existing provisions of NRS governing the administration and enforcement of the insurance premium tax are applicable to the payments required by this act; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Delays first prepayment of insurance premium tax and requires one quarterly payment. (BDR 57-611)".

Assemblyman Marvel moved the adoption of the amendment.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:17 p.m.

ASSEMBLY IN SESSION

At 12:30 p.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Marvel and Krenzer.

Assemblyman Krenzer requested that her remarks be entered in the Journal.

Thank you, Mr. Speaker. I wish to disclose that I work for Sierra Health Care Options, which is a wholly-owned subsidiary of Sierra Health and Life. Sierra Health and Life in no way benefits from this bill, so I will be voting on this issue.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REMARKS FROM THE FLOOR

Assemblyman Lambert requested that her remarks be entered in the Journal.

I would like to declare, for the record, that my husband is employed by Sierra Pacific Power Company. I will abstain from voting on Public Service Commission issues dealing with electric, gas and water utilities.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Newman.

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Fuller.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to DeLloyd Satterthwaite.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Samuel Isaiah Williams.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Moran and Evelyn Shewan.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Hug High School: Joseph K. Booth, Katharine A. Bruff, Kenneth J. Cameron, Steve D. Estipona, Matthew G. Heath, Timothy L. Lemire, Jennifer Myers, Lisa J. Perez, Maya J. Smith, Sesilia H. Tuipulotu, Roger D. West, Carlene F. Worthington, Chinly Young, Amy Loughten, Amber Curiel, Jessica Allen, Andrew T. Allen, Alfredo J. Benitez, Michael T. Cimorelli, Joshua E. Clifford, Joey F. Cork, April M. Esposito, Leah A. Harvey, Shanan D. Hilliary, Jamie M. Hixengaugh, Melissa R. McKeand, Maria D. Metzger, Stephanie L. Mitchell, David S. Morris, Shannon M. Padilla, Tyler M. Pantrell, Gerald G. Ruperto, Sarin C. Santillano, Brandon Collins, Sheila V. Alquiza, Seugn-Min Baik, Cesar F. Castro, J. T. Concepcion, Jonathan Gurney, Shauna R. Houston, Adam M. Idvinelli, Caroline A. Kern, Dallas J. Lange, Danielle Lange, Mathew P. Libro, Amy S. Mack, Danielle Maille, Amy J. McNall, Amy B. Mendershausen, John S. Michela, Ross A. Perry, Pauline M. Pettit, Hardy Puls, Russell A. Purcell, Christine D. Reinke, Ryan J. Ruiz, Ian L. Simon, Juliet Sumang, Jayme F. Terrigno, Jason M. Washington, Aowyn L. Whitmore, Shahrebil A. Yusuf, Clayton W. Backlund, Steven L. Brannen, Scott M. Carr, Jinny J. Chang, Michael Chapman, Heather N. Dunbar, Amelia S. Fernandez, Marijke A. Fuller, Anthony J. Gildone, J. E. Hardcastle, Edward C. Hawkins, Shirley J. Hoppe, Brae L. Hulery, Jorge Hurtado, Dillon E. Jerauld, Thomas Kerns, Stephen J. Larkins, Latisha Liles, Karen Magana, Cordell M. Mote, Ian R. Murdoch, Edele L. Onas, Lena M. Pacheco, Leah C. Pope, Karena L. Rojas, Samuel B. Saunders, Jonathan Vollmer, Apryl Weyant, Aaron M. Young, Jodi L. Bagley, Jennifer C. Beers, Kenneth C. Braun, Amber L. Dickinson, Sarah M. Earle, Kelly J. Eaton, Kerry J. Eaton, Sean A. Kemp,

Nikane X. Mallea, Jessica L. Porter, Nito V. Ramirez, Elizabeth M. Selin, Jennifer L. Stotts, Michael R. Tennison, Van T. Van, Kellie S. Walsh, Maki Arai, David A. Childers, Michelle L. Cripps, Danelle E. Hulet, Michelle L. Kalin, Shannon M. Lagace, Kyle S. Lundgren, Bridgette L. Murch, Brian Musgrave, Leydi Nova, Jung Park, Jessica A. Roberts, James A. Secoy, Jody Weller, Shawn A. Dixon, Joshua L. Eagan, Jeffrey S. Gail, Jayson M. Hitt, Jessica S. Ketchum, Shannon McKimmy, Jason A. Pegues, Abel D. Arellanes, William M. Caro, Windy C. Eldridge, Araceli Mercado, Johnna T. Perdon, Griselda Soto, Talent C. Tam, Eva Torres, Jennifer L. Weaver and teachers; Gil Lopez, Mrs. Caldwell, Mrs. Legg, Mr. Marchuk and G. Proutsos.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to the following women of the Republican Woman's Club: Pat Kessler, Carol Herbig, Brenda Robertson, Dorothy L. Cuzig, Patricia A. Puchert, Jane Tuber, Connie S. Fent, Mable E. Monteleone, Lavina H. Atkinson, Dortha J. Schneider, Tanis L. Small, Candy Kramer, Vickie Finley, Lorna-Chew McCarty, Margaret Albrecht, Trudy Stanford, Trudy Hushbeck, Rosemary Smith, Mae R. Thorpe, Jim Thorpe, Carolyn Nyberg, Carol Ruden, Phyllis Millard, Inez Deming, Marian Setterfield, Cathy Paschane, Dorothea Jones, Dorothy Crowder, Alicia Eidel, Joyce Willman, Lois Mitchell, Gine Hart, Lorraine Baldwind, Christine Auman, Sandy Johnston, Hazel E. Parkins, Robert Parkins, Mary Schorr, Audrey Rich, Jackie Walker, Valarie M. Lehr, Betty Butler, Georgina Ballom, Mary Burgoon, Jean Bawden, Margaret McRoberts, George McRoberts, Michelle Morandi, Louis Doucet, Diane Wallace, Sally C. Miller, Dorothy Biegles, Su Kemper, Evelyn Shewan, Sally Lindsay, Dorothy Kish, Loraine Rodgers, C. Peterson, Trudy Silkey, Patricia Moskop, Mary Blair, Nancy Dallas, Marilyn Koschella, Denise Moran, Dorothy Scherr, Jerry Thomas, Ruth Tanis, Gail Trounday and Patricia Fuller.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothy Crowder and Jean Bawden.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to George and Margaret McRoberts.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Trudy Gilkey and Candey Kramer.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Concurrent Resolution No. 9.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, February 22, 1995 at 11:30 a.m.

Motion carried.

Assembly adjourned at 12:33 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE THIRTY-EIGHTH DAY

CARSON CITY (Wednesday), February 22, 1995

Assembly called to order at 11:33 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Elaine Morgan.

We thank You, Lord, for Your goodness which is expressed to us in ways we often don't even see. Please bless those in the Nevada State Assembly with an awareness of Your unfailing love for humanity. Help each of us, with thankful hearts, to share Your goodness with those who are struggling around us. In body and spirit, they need to be shown Your unconditional love. Help us to reflect Your love. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JACK D. CLOSE, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Assembly Concurrent Resolutions Nos. 4, 8, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JACK D. CLOSE, *Chairman*

COMMUNICATIONS

UNITED STATES SENATE
364 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-2804

February 21, 1995

THE HONORABLE JOSEPH E. DINI, JR., THE HONORABLE LYNN HETTRICK, *Co-Speakers of the Assembly,* Nevada State Legislature, Capitol Complex, Carson City, Nevada 89710

GENTLEMEN:

I would like to respectfully request the privilege and honor to address the Nevada State Legislature in Joint Session on Monday, February 27, 1995 at 11:00 a.m.

I appreciate the opportunity to address the legislature and look forward to seeing you at that time.

Sincerely,

RICHARD H. BRYAN
United States Senator

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Joint Resolution No. 19—Proposing to amend the Nevada constitution to authorize specifically the legislative review of administrative regulations.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 3 of the constitution of the State of Nevada be amended to read as follows:

Section [.] 1. *1.* The powers of the Government of the State of Nevada shall be divided into three separate departments,—the Legislative,—the Executive and the Judicial; and no persons charged with the exercise of powers properly belonging to one of these departments shall exercise any functions, appertaining to either of the others, except in the cases [herein] expressly directed or permitted [.] *in this constitution.*

2. If the legislature authorizes the adoption of regulations by an executive agency which bind persons outside the agency, the legislature may provide by law for:

(a) The review of these regulations by a legislative agency before their effective date to determine initially whether each is within the statutory authority for its adoption;

(b) The suspension by a legislative agency of any such regulation which appears to exceed that authority, until it is reviewed by a legislative body composed of members of the Senate and Assembly which is authorized to act on behalf of both houses of the legislature; and

(c) The nullification of any such regulation by a majority vote of that legislative body, whether or not the regulation was suspended.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Joint Resolution No. 20—Proposing to amend the Nevada constitution to provide for commencement of regular sessions of the legislature in March.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 2 of article 4 of the constitution of the State of Nevada be amended to read as follows:

Sec. 2. The sessions of the Legislature shall be biennial, and shall commence on the [3rd] *first* Monday of [January] *March* next ensuing the election of members of the Assembly, unless the Governor of the State , [shall,] in the interim, [convene] *convenes* the Legislature by proclamation.

And be it further

RESOLVED, That section 12 of article 17 of the constitution of the State of Nevada be repealed.

TEXT OF REPEALED SECTION

Sec: 12. First biennial legislative session to commence in 1867. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter biennially, commencing on the first Monday of January.

Assemblyman Price moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 10—Amending the Joint Rules of the Senate and Assembly for the 68th legislative session to require the introduction of legislative measures within a specified time.

Assemblyman Price moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Resolution No. 5—Amending the Standing Rules of the Assembly to allow the consideration of resolutions to memorialize, congratulate or commend only at certain time.

Assemblyman Price moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Assembly Concurrent Resolution No. 4.

Assemblyman Close moved the adoption of the resolution.

Remarks by Assemblymen Close and Dini.

Resolution adopted.

Assembly Concurrent Resolution No. 8.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblyman Arberry.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Lambert (by request):

Assembly Bill No. 211—An Act relating to property insurance; requiring a policy of property insurance for a business establishment to include coverage for loss or damage caused by an earthquake; providing exceptions to this requirement; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 212—An Act relating to wildlife; repealing the provisions requiring the division of wildlife to issue fishing licenses to blind persons; revising the fee for the replacement of an unexpired license which has been lost or stolen; increasing the fees for certain licenses and permits; expanding the exemption from the requirement for obtaining state duck or trout stamps; making an appropriation; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 213—An Act relating to the legislature; requiring the legislative commission to appoint legislators with certain qualifications as a majority of the members of each interim or special committee; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 214—An Act relating to administrative regulations; authorizing the legislature to reject proposed administrative regulations under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 215—An Act relating to the legislature; creating an advisory committee on public access and communications; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Segerblom, de Braga, Neighbors, Schneider, Chowning, Bennett and Price:

Assembly Bill No. 216—An Act relating to school districts; increasing the salary that may be paid to the members of the boards of trustees in certain school districts; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 217—An Act making an appropriation to the division of child and family services of the department of human resources for vehicles, equipment, supplies and building maintenance for the northern and southern child and adolescent services; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 218—An Act making an appropriation to the division of child and family services of the department of human resources for vehicles, computers and miscellaneous equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 219—An Act making an appropriation to the department of museums, library and arts for enhancement of the computer system and improvement of various functions of the state library; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 220—An Act making an appropriation to the budget division of the department of administration for the development of the requirements for an integrated financial system; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 221—An Act making an appropriation to the real estate division of the department of business and industry for telephone and computer upgrades; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 222—An Act making an appropriation to the employee-management relations board for certain office equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 223—An Act making an appropriation to the University and Community College System of Nevada for the acquisition of administrative and academic equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 224—An Act making an appropriation to the department of education for distribution to local school districts; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 225—An Act making an appropriation to the department of education for the development and implementation of a computer system for the licensing of teachers; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 226—An Act making an appropriation to the office of the attorney general for applying for federal grants concerning family violence; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 227—An Act making an appropriation to the office of attorney general for computer hardware and software and communication enhancements; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 228—An Act making an appropriation to the office of the governor for an enhanced security system for the governor's mansion; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 229—An Act making an appropriation to the office of the governor for upgrades of computer equipment and software; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 230—An Act making an appropriation to the department of prisons for expenses related to the opening of the Lovelock correctional facility; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 231—An Act making an appropriation to the division of wildlife of the state department of conservation and natural resources for construction of an airplane hangar at the Minden airport; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 232—An Act making an appropriation to the division of forestry of the state department of conservation and natural resources for equipment and aircraft maintenance; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 233—An Act making an appropriation to the state department of conservation and natural resources for a flat file for the Nevada Tahoe regional planning agency to store maps; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 234—An Act making an appropriation to the division of water planning of the state department of conservation and natural resources for office equipment and computer hardware and software; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 235—An Act making an appropriation to the division of conservation districts of the state department of conservation and natural resources for the replacement of certain office equipment and computer hardware and software; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 236—An Act making an appropriation to the division of parole and probation of the department of motor vehicles and public safety for the replacement and purchase of various equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 237—An Act making an appropriation to the Nevada commissioner for veteran affairs of the department of motor vehicles and public safety for replacement of the backhoe used at the Boulder City veterans' cemetery; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 238—An Act making an appropriation to the Nevada commissioner for veteran affairs of the department of motor vehicles and public safety for improvements to veterans' cemeteries; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 239—An Act making an appropriation to the department of prisons for maintenance and minor construction projects; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 240—An Act making an appropriation to the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation for equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 241—An Act making an appropriation to the commission on postsecondary education for computer hardware and software; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 242—An Act making an appropriation to the department of education for continuation of the Nevada Business Plan for Education; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 243—An Act making an appropriation to the department of education for the support of certain nonprofit public broadcasting stations in Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 244—An Act making an appropriation to the department of business and industry for establishment of the venture capital fund; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 245—An Act making an appropriation to the department of taxation for computer and office equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 246—An Act making an appropriation to the motor pool division of the department of administration for the purchase of additional vehicles; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 247—An Act making an appropriation to the division of agriculture of the department of business and industry for the maintenance and repair of facilities leased by the division of agriculture; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 248—An Act making an appropriation to the division of agriculture of the department of business and industry for trucks and safety clothing and equipment for the plant industry program; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 249—An Act making an appropriation to the division of agriculture of the department of business and industry for veterinary medical services; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 250—An Act making an appropriation to the state predatory animal and rodent committee for equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 251—An Act making an appropriation to the Nevada junior livestock show board for gate panels to ensure the safety of exhibitors, spectators and animals at the annual livestock show; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 252—An Act making an appropriation to the office of state public defender of the department of human resources for computer hardware and software; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 253—An Act making an appropriation to the welfare division of the department of human resources for safety and security equipment, computer equipment and vehicles; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 254—An Act making an appropriation to the aging services division of the department of human resources for equipment; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 255—An Act making an appropriation to the division of child and family services of the department of human resources for the state automated child welfare information system; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Manendo, Buckley, Perkins, de Braga, Goldwater, Segerblom, Giunchigliani, Price, Spitler, Ohrenschall, Freeman, Neighbors, Evans, Dini, Schneider, Ernaut, Williams, Bennett, Harrington, Nolan, Arberry, Monaghan, Tripple, Chowning, Batten, Bache, Lambert, Anderson, Allard, Close, Humke, Krenzer, Stroth, Sandoval, Brower, Tiffany, Marvel, Hettrick, Fettic, Steel, Carpenter and Braunlin:

Assembly Bill No. 256—An Act relating to certain crimes against children; increasing the penalty for abuse, neglect or endangerment of a child where substantial bodily or mental harm results; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 26.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 17.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting: "*The board shall adopt regulations concerning continuing education for professional engineers and professional land surveyors. The regulations must include:*

1. *The number of hours of credit required annually;*
2. *The criteria used to accredit each course; and*
3. *The requirements for submission of proof of attendance at courses.*".

Amend the title of the bill, first line, by deleting "authorizing" and inserting "requiring".

Amend the summary of the bill, first line, by deleting "Authorizes" and inserting "Requires".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 27.

Bill read second time, ordered engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Dini, Neighbors, Price, Schneider, Ohrenschall, Arberry, Williams, Krenzer, Bache, de Braga, Segerblom, Marvel, Goldwater, Ernaut, Perkins, Hettrick, Humke, Chowning and Carpenter:

Assembly Bill No. 257—An Act relating to state financial administration; directing the issuance of Nevada Silver Gaming Tokens; prohibiting the accepting of such tokens at less than their face value; providing credit toward gaming license fees for the purchase of such tokens; prohibiting the counterfeiting, forging or uttering of such tokens; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Taxation.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Lemmon Valley Elementary School: Kyle C. Arnett, Jake A. Arnold, Brian J. Askins, Jenis R. Blum, Christopher R. Boggs, Jackie N. Bogosian, Sarah A. Boortz, Katherine Ceccarelli, Krystle L. Danner, Mitchell L. Dombek, Jaime L. Fleming, Tony L. Funkhouser, Kimi L. Hanks, Bryan S. Harmon, John P. Kalin, Lacey R. Keele, Joshua J. Keeney, Katherine M. Kelly, Ashley M. Lindemann, Christopher Mitchell, Jonathan M. Murphy, William N. Packer, Erik V. Pruitt, Natalie M. Puckett, Jeffrey Sallaberry, Robert D. Shelton, Sarah A. Snow, Matthew H. Stafford, Nevada L. Tietje, Maria D. Villa, Erik W. Yohey, Katherine Carrigan, Erick D. Cerrone, Jennifer A. Christle, Laura K. Dashielle, Jeven J. Delarosa, Nickalous D. Dixon, Tanya M. Dunn, Dane T. Frazier, Cason S. Gongaware, Steven T. Gustin, Leslie M. Hill, Staci A. Hinojosa, Cury C. Jerauld, Alisa R. Lariviere, Branden R. Lotz, Heather D. Loughton, Timothy I. McMaster, Richard J. Mitchell, Patrick J. Moersch, Derek R. Olson, Daniel F. Pettit, Brandy E. Pipkin, Blake A. Poe, Rebecca L. Rhea, Roney L. Roberson, Julia A. Smith, Zachary Sutherland, Kara C. Tebbutt, Nicolene C. Waldon, Kimberly A. Wilson, Lindsey M. Ashton, John T. Blanchard, Charles J. Clarity, Christina R. Cole, Christy J. Devlin, Eryne M. Dyer, Jacob A. Eldridge, Jessica A. Goepner, Shelly B. Hunter, Steven A. Jacobs, Aaron D. Lang, Kaylene K. Leary, Scott R. Lee, Jessica S. Mansfield, Michael C. McMaster, Billi L. McMillan, Jacob D. Meaders, Benjamin M. Palomo, Adam M. Peroddy, Dale J. Richter, Charissa Robertson, Laney R. Ruf, Kelly M. Scheffel, Danielle Stanfield, Kyle B. Still, Beau R. Trulson, Andrea M. Valverde and Ashley C. Vaught; teachers Maria Munoz, Dana

Galvin, Mary Ballinger, Dave Koliha and Jenni Morgan; chaperones Linda Shelton, Deana Hanks, Rachael Harmon, Pat Ceccarelli, Rhonda Askins, Mike Murphy, Fawn la Riviere, Dawn Arnett, Cheryl Cercone, Barbara Aberly, Laverne DeLaRosa, Nelieen Dashiell, Vivian Sutherland, Judy Loughton, Heidi Meek, Linda Scheffel and Jackie McMaster.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Joni Siplon, Linda Stinar and Una Bradford.

Assemblyman Ernaut moved that the Assembly adjourn until Thursday, February 23, 1995 at 11 a.m., and that it do so in memory of President George Washington.

Motion carried.

Assembly adjourned at 12:15 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE THIRTY-NINTH DAY

CARSON CITY (Thursday), February 23, 1995

Assembly called to order at 11:07 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, what with all the hustle and bustle of legislative life and the noise and confusion of committees, paperwork and downtown traffic, we thank You for this moment of silence. We remember Your words as quoted by the Psalmist, "Be still and know that I am God."

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 11, 53, 145, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Joint Resolutions Nos. 7, 9, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 105, 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM Z. HARRINGTON, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Concurrent Resolution No. 1, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WILLIAM Z. HARRINGTON, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 22, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 109.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 1.

Assemblyman Harrington moved the adoption of the resolution.

Remarks by Assemblymen Harrington, Giunchigliani and Anderson.

Resolution adopted.

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 11—Amending the Joint Rules of the Senate and Assembly for the 68th legislative session to provide for the enforcement of the constitutional requirement that all meetings of legislative committees be open to the public.

Assemblyman Price moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 31, 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 109.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 16.

Resolution read second time, ordered engrossed and to third reading.

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

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:23 a.m.
Speaker pro Tempore Evans presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 27.
Bill read third time.
Remarks by Assemblyman Tripple.
Roll call on Assembly Bill No. 27:

YEAS—42.
NAYS—None.

Assembly Bill No. 27 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:27 a.m.

ASSEMBLY IN SESSION

At 11:42 a.m.
Madam Speaker pro Tempore presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 122.
Bill read third time.
Remarks by Assemblymen Dini and Close.
Roll call on Senate Bill No. 122:

YEAS—42.
NAYS—None.

Senate Bill No. 122 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:48 a.m.

ASSEMBLY IN SESSION

At 11:49 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced that United States Representative Barbara Vucanovich's address to the Joint Session has been changed from March 17, 1995 to April 24, 1995 at 11:30 a.m.

Mr. Speaker announced that there will be a WesTrends presentation upon adjournment on March 22, 1995.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Keri Putnam.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to Marcus Langston, Brandon Elwell, Steve Young, Murphy Williams, Rusty Elwell, William Darnell, Dick Belmont, Daryl Elwell, Lowell Brinson, Irene "Nana" Dixon-Darnell and Arvilla M. Urban.

On request of Assemblyman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Jarrell.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to David Calloway and Karen Albrethsen.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Kerschner.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Ruth Muleneaux, June Williams, Jeri Duncan, Lu Weaver, Dolly FaGalde, Linda Clements, Pat Zudnick, Dana Hines and the following students from Dayton Elementary School: Jennifer Peralta, Monica Alvarado, Jeremy Penrod, Tee Baratti, Josh May, Stephanie Wilcox, Howard Knudsen, John Ring III, Becky Clark, Mitchell Spieth, Jennifer Greer, Matt Sumsion, Dawn Rogers, Matt Rodriguez, Jillian Filmore, Jonathan Clements, Mallory Simon, Sean Peters, Bri Savage, Ryan Wolfram, Shawna Skog, Nathan Wood, Elizabeth Fassett, Bobby Carrick, Courtney John, Kenny Hansen, Wendy Avila, Duane Ball, Joshua Benke, Sunny Boudreau, Natasha Chapman, Keith DeForest, Michael Fischer, Dani Hooper, Ryan Jacobson, Megan Lavelle, Crystal Loewe, Daniel Lopez, Mathew Lowry, Savannah Meredith, Mathew Nielsen, Anthony Penera, Shana Peterson, Dylan Ramer, Rachelle Rogers, Mikel Scott, Brandon Shelton, Amanda Smiley, Danielle Turnbull, Sarah Jensen, Charlotte Hines, Cheri Rogers, Tony Baratti, Deanna Ramer, Lois DeForest and Matt Romanski; teachers Kim Menesini, Dru Service and Charlotte Hines.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Francis and Paul Gardner.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Cummings and Sandy Akins.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Buckley.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Brooks.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Keith Lockard.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Pozarski and the following students of O'Brien Middle School: Geri Alfaro, Brandi Battle, Chris Carter, Teresa Calderon, Mavais Corley, Jacob Cossey, Tabatha Culver, Tim Doeherty, Jeanee Durflinger, Tina Forrest, Katy Goodman, Robert Haynes, Jesse Hopper, Miranda Hoyt, Amanda Hughes, Erin Lassen, Jasara McLaren, Dawn Patterson, Keith Pimpl, Josh Purple, Jason Rampa, Chev Smith, Kayleen Smith, Eric Tinajero, Andy Bacher, Jackie Cerritos, Jody Codver, Brandy Goldman, Steven Gleave II, Nichole Hammar, Travis Hill, William Highline, Josh Hulet, Brian Kersey, Dawn Mchall, Randy Meyer, Eli Maxey, Shawna Mott, Matt Ontko, Elizabeth Perkins, Penny Parker, Eric Opperman, Capri Roberson, Jeremy Sparcer, Amy Schneck, Andi Thompson, Josh Thompson, Kathy Waldren, Diane M. Albee, Heidi A. Bardot, Andrea M. Chavarria, Marshe A. Craine, Cynthia Dominguez, Carrie A. Drew, Dale T. Flux, Andrea J. Forrest, Amanda M. Gongaware, Crystal J. Holler, Crystal R. Jordan, Michael J. Mahoney, Gary P. Marcosa, Amber M. McDaniel, Alan T. Mushynski, Shannon J. Parker, Patricia K. Pettit, Bret J. Rosenheimer, Autumn M. Sayen, Kimberly R. Standfill, Robbie Rodgers, Catherine C. Ault, Sheila M. Brausey, Ryan P. Dixon, Shaun P. Gardiner, James M. Gonsalves, Kelley K. Halfacre, Justin B. Hicks, Erine E. Howard, Kelly E. Jones, Ladonna J. McAllister, Lisa R. McGlothlin, Jamie M. Mesa, Roland O. Moore, Denise J. Oliver, Teri P. Peck, Maria G. Ruvalcaba, Christopher R. Scott, Norma R. Soriano, Tiffany N. Tarleton, Noah S. Vaught, Heather J. Westerman, Charles M. Whipple and Darrel W. Yutzy; teachers Vicki Yribe and Carol Lubet; chaperones Mr. Haynes, Mr. Calderon, Mrs. Mott, Mr. Thompson and Mrs. Hoyt.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothy Neely and Carol Madsen.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Harlan.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Danny Lee.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ray Knisley, Paul May and Al Alleman.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Duncan R. McCoy and Ann Langevin.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Wendy Starkweather.

Assemblyman Perkins moved that the Assembly adjourn until Friday, February 24, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:06 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FORTIETH DAY

CARSON CITY (Friday), February 24, 1995

Assembly called to order at 11:07 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Elaine Morgan.

Heavenly Father, help us in these days of deliberation to maintain a spirit of dignity, a sense of humor, and an attitude of trust. Help us to accomplish those things together that we cannot accomplish by ourselves. Help us to be gracious enough to accept those things individually on which we cannot agree. Grant us Your support and Holy blessing now and always. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

THOMAS BATTEN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 5.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson and Dini.

Resolution adopted.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 79, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JACK D. CLOSE, *Chairman*

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:17 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 26.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Assembly Bill No. 26:

YEAS—40.

NAYS—Mr. Speaker Dini, Mr. Speaker Hettrick—2.

Assembly Bill No. 26 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 29.
Bill read third time.
Remarks by Assemblyman Chowning.
Roll call on Assembly Bill No. 29:

YEAS—30.

NAYS—Ernaut, Evans, Harrington, Humke, Lambert, Monaghan, Perkins, Sandoval, Schneider, Spitler, Steel, Mr. Speaker Dini—12.

Assembly Bill No. 29 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 16.
Resolution read third time.
Remarks by Assemblymen Segerblom, Goldwater, Carpenter, Manendo, Humke and Ohrenschall.

Assemblyman Stroth requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. Assembly Joint Resolution No. 16 again urges Congress to enact legislation to eliminate inequities in the payment of social security benefits issued in the years that persons initially became eligible for such benefits. The resolution further urges Congress to eliminate those inequities without reducing the benefit of persons who were born before 1917.

You will all remember that this Assembly Joint Resolution was Mr. Petrak's, a former member of this Assembly, and was for people born between 1917 and 1926. So, you know why I took this resolution over without going into much detail. I would like your approval. Thank you.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. Assembly Joint Resolution No. 16 is an important resolution. The "Notch Baby" issue was thought to be dead and put to sleep by commission. It was a commission formed by President Clinton and made up by experts from both parties concerning social security. The commission came back with a report that the "Notch" inequity did not exist. What this resolution says is that there are several people who feel a "Notch" does exist. I think this resolution says that we, as a body, do feel a "Notch"

exists. We would like them to take action to make equity to the people who just by the year of their birth were discriminated against. This sort of discrimination is abhorrent, not only to the people of the State of Nevada, but to America as a whole. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. When I was born in Philadelphia in the year whatever it was to make me eligible as a "Notch Baby," and in special recognition of Mr. Petrak who pushed this bill for at least two or three terms on this Assembly floor, I would very much urge you to vote for Assembly Joint Resolution No. 16. Thank you.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Joint Resolution No. 16. "Notch Babies" is a term which describes those social security recipients born between 1917 and 1926. Retirees born just before then were the first social security recipients to be affected by cost of living increases enacted by Congress in 1972. It soon became apparent that those increases were causing benefits to soar and that continuing under that formula would bankrupt the system. Congress changed the rules again in 1977 creating a system some today say is unfair. For example, considering two retirees with identical work histories and similar wages, one born in 1916 would receive as much as $100 more in monthly social security checks than one born in 1917. When Congress changed the rules in 1977, the cost of living increase based on the 1972 formula was preserved for the people who were already drawing social security, were eligible to draw, or were one year away from a 62 age minimum. People five years away from retirement received some of the money from the 1972 formula that created the windfall, but not all of it. In the years following the fix, Congress worked to set up a safety net that nearly bankrupted the social security system, steering it on a course that today has built trust funds worth billions of dollars. It also created unhappy constituents, the "Notch Babies," who have won many members of Congress to their cause. The National Committee to Preserve Social Security and Medicare has been the chief proponent of these changes. In southern Nevada, the National American Notch Association, led by Heleana Gross, has been leading the fight. There are about 50,000 "Notch Babies" in Nevada, and 8 million nationwide. They feel like they are second class citizens.

I would like to read a statement made by Geraldine Malarcher, who is a member of the National American Notch Association. "We've reached retirement age and wish to live out the rest of our lives in peace and harmony with financial stability. We've paid our taxes and contributed to the growth and prosperity of America. We are not asking for anything other than monies that we have been denied."

Mr. Speaker, the "Notch" group is comprised of Veterans of World War II, the Korean conflict, Vietnam, widowers and survivors whose health is fragile and whose life expectancy is short. Even though they have fought for a decade to correct this injustice, they still have hope. Whether repealed on the national level or not, at least we know they are not quitters and they will not be ashamed. I encourage my colleagues to give our 50,000 "Nevada Notchers" continued hope, and I leave you with this thought as well, "if Congress can discriminate against one age group, they can do it to any age group." We must continue to send a message at the state level. Thank you, very much. I encourage my colleagues to support this.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of Assembly Joint Resolution No. 16, but I must say if Assembly Bill No. 99 passed, we would have proper forum to deal with resolutions such as this. Thank you, very much.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, join in supporting Assembly Joint Resolution No. 16, because it is a matter of fundamental fairness and financial protection. In today's world, where seniors are having trouble on limited incomes and making ends meet, I think it's really unfair to have those who have contributed equally into this system receive less from the system. Thank you.

Roll call on Assembly Joint Resolution No. 16:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 16 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Assembly Joint Resolutions Nos. 7, 9 be taken from their position on the Second Reading File and placed at the top of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 7.

Resolution read second time.

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

Amendment No. 18.

Amend the resolution, page 2, by deleting lines 20 and 21, and inserting: "Service, the Department of Transportation of the State of Nevada, and the Division of Forestry, Division of State Lands, Division of State Parks, and Division of Wildlife of the State Department of Conservation and Natural Resources of the State of Nevada; and be it further".

Amend the preamble of the resolution, page 1, line 1, by deleting "6" and inserting "8".

Amend the preamble of the resolution, page 1, by deleting line 5 and inserting: "and imminent catastrophic fire hazard, which represents a severe threat to life and personal property; and

WHEREAS, There are limited routes of ingress and egress in the Lake Tahoe Basin which make any evacuations extremely hazardous; and

WHEREAS, There were 110 recorded fire starts throughout the Lake Tahoe Basin during 1994; and".

Amend the title of the resolution, third line, after "and other" by inserting "emergency".

Amend the summary of the resolution, third line, after "to provide" by inserting "emergency".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblyman Nolan.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 9.

Resolution read second time.

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

Amendment No. 19.

Amend the preamble of the resolution, page 1, line 20, by deleting "year;" and inserting "day;".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Bill No. 11.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 31.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 32.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 53.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 105.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bill No. 32 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Ernaut.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 124.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 145.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Price, Dini, Chowning, Segerblom, Manendo, Neighbors, Schneider, Williams, Krenzer, Evans, Giunchigliani, Freeman, Ernaut, Tiffany, Arberry, Bache, Anderson, Buckley, Goldwater, Ohrenschall, Lambert, Perkins, Fettic, de Braga, Allard, Carpenter, Steel and Sandoval:

Assembly Joint Resolution No. 21—Proposing to amend the Nevada constitution to provide for limited annual legislative sessions.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 4, and section 2 of article 4 of the constitution of the State of Nevada be amended to read respectively as follows:

Sec. 29A. 1. In each even-numbered year, the Legislature shall adjourn sine die each regular session not later than midnight in the Pacific time zone 70 calendar days following its commencement. Any legislative action taken after midnight in the Pacific time zone on the 70th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.

2. In each odd-numbered year, the Legislature shall adjourn sine die each regular session not later than midnight in the Pacific time zone 90 calendar days following its

commencement. Any legislative action taken after midnight in the Pacific time zone on the 90th calendar day is void, unless the legislative action is conducted during a special session convened by the Governor.

Sec. 2. The sessions of the Legislature shall be [biennial,] *annual,* and shall commence on the 3rd Monday of [January next ensuing the election of members of the Assembly,] *February,* unless the Governor of the State , [shall,] in the interim, [convene] *convenes* the Legislature by proclamation.

And be it further

RESOLVED, That section 12 of article 17 of the constitution of the State of Nevada be repealed.

TEXT OF REPEALED SECTION

Sec: 12. First biennial legislative session to commence in 1867. The first regular session of the Legislature shall commence on the second Monday of December A.D. Eighteen hundred and Sixty Four, and the second regular session of the same shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Six; and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January A.D. Eighteen hundred and Sixty Seven; and the regular sessions of the Legislature shall be held thereafter biennially, commencing on the first Monday of January.

Assemblyman Price moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Arberry, Dini, Bache, Krenzer, Williams, Price, Buckley, de Braga, Marvel, Tiffany, Hettrick, Evans, Fettic, Chowning, Close, Giunchigliani, Manendo, Brower, Nolan, Humke, Ernaut, Anderson, Neighbors, Carpenter, Segerblom, Steel, Braunlin, Schneider, Harrington, Sandoval, Stroth, Freeman and Batten:

Assembly Bill No. 258—An Act relating to motor vehicles; requiring the department of motor vehicles and public safety to design and issue special license plates to retired members of the Armed Forces of the United States for the support of veterans' cemeteries in this state; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Price, Segerblom, Evans, Chowning, Brower and Spitler:

Assembly Bill No. 259—An Act relating to the supreme court of Nevada; increasing the number of justices; providing for their initial appointment and subsequent election; authorizing the use of panels; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Price, Williams, Giunchigliani, Chowning, Anderson, Bache, Segerblom, Freeman, Goldwater, Neighbors, de Braga, Arberry and Evans:

Assembly Bill No. 260—An Act relating to employment; requiring good cause for termination of employment except under specified circumstances; providing for arbitration and limiting permissible awards in cases concerning the termination of employment; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 261—An Act relating to dental hygienists; authorizing a dental hygienist to perform certain tasks without the supervision of a dentist; prohibiting a dentist from delegating tasks which are within the practice of dental hygiene to a person who is not licensed as a dental hygienist in this state; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Harrington moved that Assembly Bill No. 105 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Harrington.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Herrick.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Root and Wally Luchine.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Virginia City High School: Zach Stafford, Chris Saracco, Clinton Miller, Christy Allen, Jessie Ellison, Clint Miller, Billie Lyons, Jeff Beck and Theresa Beck; teacher Lori Zam.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Leslie Adams.

Assemblyman Stroth moved that the Assembly adjourn until Monday, February 27, 1995 at 10:45 a.m.

Motion carried.

Assembly adjourned at 11:57 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly
LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FORTY-THIRD DAY

CARSON CITY (Monday), February 27, 1995

Assembly called to order at 10:47 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblyman Nolan, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Our Heavenly Father, we thank You for this time and this place in our lives. As I look around this great room, I am thankful. As I see the two Bibles here, I am reminded of our Jewish and our Christian heritage and faith in You. As I see the great portrait above me, I am reminded of our great American history and freedom. As I see these men and women, I am reminded that there are still good people who want to serve others. Yes, as I look around this room, I am thankful. Thank You. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 24, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 122.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 79.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 32.

Amend section 1, page 1, line 2, by deleting the period and inserting: "and the Board of Regents of the University of Nevada.".

Amend section 1, page 1, line 4, by deleting: "to control its budget" and inserting: "and the Board of Regents to control their budgets".

Amend the title of the bill to read as follows:

"An Act relating to higher education; requiring the legislative auditor to conduct a performance audit of the University and Community College System of Nevada and the Board of Regents of the University of Nevada; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, by deleting the period and inserting: "and Board of Regents of University of Nevada.".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 11, 31, 53, 124, 145 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 18, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 73, 193, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Neighbors and Lambert as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Richard Bryan.

The President of the Senate, the President pro Tempore of the Senate and Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:04 a.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Nolan, who was excused.

The President of the Senate appointed a Committee on Escort consisting of Senator Lee and Assemblyman Buckley to wait upon Senator Bryan and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Richard H. Bryan, United States Senator for Nevada appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The Speaker of the Assembly welcomed Senator Bryan and invited him to deliver his message.

Senator Bryan delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA

SIXTY-EIGHTH SESSION, 1995

Thank you, very much. Mr. Speaker de jure, Mr. President, Legislative Leaders, Members of the Legislature, and the State Constitutional Officers and friends who join us today, I'm delighted to be here. I look forward to this sentimental journey to return, as the Speaker has indicated, to where I first got my start in terms of working on the great policy issues that confront the State of Nevada. As I look about this Chamber, only two have survived from that 1969 session that first brought me to Carson City in the old Chambers. I look back at the state in 1969, a state with less than a half million people, and a state that we confront today booming with more than 1,500,000 people, and it is not patronizing to observe that I think the challenges and the responsibilities that face you are so much greater than the challenges and the responsibilities that faced those of us who were here in the late 1960s.

As many of you know, I have a profound interest in history. There are watershed years in the history of this republic. 1933 was such a year when the "new deal Congress" came to Washington following the landslide that brought Franklin Roosevelt into the presidency for his first term. I think in some respect that 1995 shapes up to be a watershed year as well, because the entire role of government is being re-examined and questions are being asked as to what services ought to be performed by government. Whether they ought to be done at the federal level, state level or the local level and how best to do them. I think for those of us who are privileged to serve and represent you in Washington, just as those of you who are privileged to serve and represent the various constituent interests of our state, this is really an exciting time because it's a fresh start. I want to make some observations that maybe can give you some insight and perspective as to how I see things coming from Washington.

First of all, as you know, in this Congress, the Accountability Act has been enacted. That says for the first time that those legislative enactments that are passed by the Congress of the United States shall also apply to those who serve in the Congress. That seems reasonable and fair. The vein of state legislatures and local city councils and county commissions and boards of supervisors for some time has memorialized unfunded mandates. We direct you to do it, we provide no resources for you to do it with, then you are left implementing the program. The unfunded mandate legislation which began working its course in the legislative process and the last Congress has now passed both the Senate and the House. It's in conference, but will soon make its way to the White House for signature. That is an impressive start.

I want to talk to you for a moment about an issue that will be voted on tomorrow. It will have a significant impact for the future of our country and I suspect will have a very significant impact for you, as well, if it passes. It is the Balanced Budget Amendment, an amendment that says the President of the United States shall submit to each Congress a balanced budget and a requirement that the Congress of the United States approves such a balanced budget subject to some exceptions. You're no stranger to that process. When I came here in 1969, it was our responsibility, just as it was Governor Laxalt's responsibility, to submit the biennial budget and to balance that budget. It's never easy. Constituents have a tendency to always ask for a little bit more than they know you can provide. That's true in the tight years, when there is seemingly no money, and to some extent, even more difficult when better times return. More money builds up in the State Treasury and groups come to you for the programs that are important to them and to the people of the State of

Nevada. You have to make those decisions, the tough calls. I submitted such budgets to you as the Governor. In Washington, things have been different. Not since Richard Nixon left the Presidency has there been a balanced budget submitted to the Congress of the United States, nor approved by the Congress of the United States. In this blame game that we are all involved in from time to time, the message is clear. Neither Democrats nor Republicans have been able to balance the budget as Presidents or the controlling party in either house of the Congress. There are those who will say that the changes are too radical and they are too extreme. I supported the Balanced Budget Amendment when I first came to this Chamber. I supported it as Governor, and I will be voting to support it tomorrow when I cast my ballot.

Let me just share a bit, if I may, with you. The American political experience from the time of the Revolutionary War, up to and including 1908, that means the debt that the federal Congress assumed from the state of the revolution, Civil War, two World Wars, a great depression, the expenses of Korea and Vietnam in 1980 was less than one trillion dollars. In the 1980s, it exploded. It more than tripled. Today, each new administration that comes to Washington in a four-year period of time, adds one trillion dollars to the national debt. We cannot sustain that course of action. Just as you have options to make decisions and choices, so do we, but increasingly those options are preempted as the amount of money is spent each year. The payment of interest to the federal debt begins to dominate the discussions that we have each year in Washington. It's not going to be easy. A fairly recent exit poll taken by the *New York Times* suggests that when the American people are asked which category of expense represents the largest part of the federal budget, about 27 percent said foreign aid. Whatever you think of foreign aid, and there are certainly some well documented examples of abuses in it, it represents about one to 1.2 percent of the entire national budget. Now a budget of $1,600,000,000 is a substantial sum of money. But as legislators, you know that one percent does not get you very far down the road to a 100 percent solution. It's not going to be easy for all of you if this comes to pass. Right now, one vote might make the difference. This morning's newscast indicates that it requires a two-thirds Constitutional majority to pass a Constitutional amendment, to be submitted for the ultimate ratification of three-fourths of the states. And one vote hangs in the balance. Federal and state governments receive each year from the Federal Government, $230,000,000. I commend you for that massive budget you go through so painstakingly. It contains in this biennium, nearly $1.3 billion of federal money, a little over 17 percent of the entire biennial budget. So, it's not going to be easy, but it seems to me that it must be done. We are mortgaging the birthright of our children. No other generation of Americans in public office, whatever their political leanings may be, has ever done what generations of which we are a part of has done. In terms of preempting the future for young Americans, that is unconscionable and irresponsible. It must stop, and I've reached the conclusion, that although many say, "Look we can do it!," the reality is that in a quarter of a century, we've been unable to do it. Neither Democrats, Republicans, Presidents, or members of the Congress have been able to summon up the will which you do each time you convene on a biennial basis to balance the budget, and that is why I will be supporting the amendment tomorrow.

One of the great areas of controversy that we are about to debate is regulatory reform. Each year, the cost and burden of regulation on Americans reaches $600,000,000. The expenses are well documented; the absurdity of some of their conclusions defy common sense and reason. When John Kennedy was President, the Federal Register contained about 15,000 pages each year with respect to new regulations. During George Bush's last year, that had grown to some 70,000 pages. As state legislators, you know first hand some of the experiences that you face. Some of the examples defy common sense and reason. In New York City, they wanted to donate an abandoned building to an order of nuns, who had taken the vows of chastity, poverty and obedience, and to four square use of any modern conveniences, but they were going to be required to install an elevator, the cost of which would be $100,000 or more. They neither wanted it nor had the money, and so as a result, the building was never used. During the height of the California fire season, 28 homes were in danger. They wanted to cut a fire break to stop the fire. We are all very experienced with that here in Nevada as we face our own problems. But, because the

kangaroo rat is an endangered species, and allegedly, his habitat would be compromised, that was not provided. I don't know any biologist that maintains a kangaroo rat can survive the force of a fiery inferno, but that was the conclusion. Absurd, no common sense at all, and yet on the other hand, as Americans, whether it is the food we eat or water we drink or air we breath or medicines we take, America is the world's leader. No other civilization in the history of the world, no other country on the face of the earth has as good a water supply, as clean air for an industrial society or as safe a food supply or quality prescription medications we take. And so, I would submit that for those who suggest we ought to impose a moratorium on all regulations, irrespective of their merit, go too far. A couple of examples have surfaced fairly recently. The U.S. Fish and Wildlife Service established the duck season. That doesn't make any sense, to say they can't do that. We all know that daily the Federal Aviation Administration examines the causes of airline crashes. We've had a couple of them fairly recently that are very dawning. The USAir airplane that was approaching Pittsburgh a few months ago, weather perfect, no indications of any problems, went into the ground. Are we to say when the FAA discovers what the cause of that might be and was going to issue some sort of regulatory directive, they should be precluded from doing so? I think the answer is obvious. So what we seek is the illusive balance. Not every regulation is desirable or good public policy; not every regulation is bad or undesirable. That's going to be the challenge that we face, much as it is the challenge of you who are empowered to enact regulations at the state level.

There are other items on the agenda this year such as immigration reform. I think this is a reform that has a bipartisan opportunity to move forward. We, in Nevada, are impacted dramatically by the forces of illegal immigration. It costs money for schools, law enforcement and social services. It is an enormous impact. There has been a failure at the federal level in terms of immigration policy. We've made a start. I was pleased to offer an amendment last year that increased the number of agents on the Border Patrol to provide for some expedited procedures in terms of deportation, but it is not a comprehensive solution. That is one that we must undertake, and I believe it is one which we will. Let me just cite an example. In December of each year, I visit with all the federal agencies in Nevada. So, I had the Reno Housing Authority come into my office. I learned that in 1980, Congress enacted legislation that precluded illegal immigrants from receiving public housing. It is now 15 years later, Democratic and Republican Presidents have come and gone. Fifteen years later this regulation is not enforced. It makes no sense at all. It is those kinds of issues that will be addressed.

Much has been focused on welfare reform. If there is a unanimity of opinion in America, a consensus, everybody acknowledges that the present system does not work. It neither serves its recipients, nor the American taxpayer. Not surprisingly, there is not a unanimity as to what we ought to do in terms of addressing the situation. Let me share with you again for a moment a couple of things that I think are important for you to consider. One of the central themes to that debate, is whether to change welfare from an entitlement program or to make it a discretionary program. To make it discretionary versus entitlement, under the current law, if one fits in with the category that determines the criteria of eligibility, we are required to fund it. It is not a discretionary program. If we change it, as we may, and make it a discretionary program, that means we can indicate what level of funding we should provide. A number of you may have seen the morning paper where Congressman Ensign spoke at a Town Hall meeting in Las Vegas to express his opposition to the proposed freeze that is currently being addressed and processed in the House on the basis of a state like Nevada. The expanding population that we have would be adversely impacted and disproportionately impacted because of that very reason.

Another issue is block grants as opposed to categorical assistance. I must tell you, as a former Governor, I have a good bit of sympathy for block grants, and yet, I recognize there are vulnerable populations in our society. Women, infants and children and programs over the years have had wide bipartisan support that could be impacted as a result of either abandoning the entitlement system or going strictly to a block grant approach.

More flexibility, perhaps less money, maybe that's a reasonable trade-off, but ultimately those decisions are going to come to roost here in the state legislature in terms of how you choose to prioritize your funding decisions.

Nevada has been fortunate, with respect to a number of actions taken by the Federal Government. Just this morning, I was in Reno to announce that Reno Air has been selected as one of six carriers to provide direct service from Canada to Reno. That is good news for us in northern Nevada and it is good news in southern Nevada because part of that flight will also have a terminal point in Las Vegas. Critical for tourism in Nevada and an important by-product, was a decision just made last Friday when the President of the United States and the Prime Minister of Canada entered into a bilateral agreement that makes, for the first time, this direct air service on a regularly scheduled basis as opposed to a charter service available to us. Reno Air has been selected as one of six to receive that route consideration.

Nellis, Fallon and Hawthorne are going to be spared from the Base Closing Commission which has now gone through two rounds and is into the third round. The V.A. facilities in Reno, the Veterans Hospital, some $20 million in terms of providing new beds and renovating part of that facility is on-line. In Las Vegas, where a number of veterans are moving into that area, equals a percentage of population growth, we will double the space of the outpatient service facilities. Growth also brings challenges, as each of us know. And one of the challenges in the southern part of the state is the search for new water resources. I think the legislature, working with the Governor and his leadership that he provided in the last session, and the continuing leadership that he has provided, has enabled Nevada to speak with a single voice. There are many schemes and ideas that have been proposed; a lot of them I'm sure are theoretically possible from an engineering perspective, but the solution, it seems to me, lies along the border between Nevada, Arizona, California and Utah and it is the artery of life that flows in the southwest, the Colorado River. Allocations made more than seven decades ago no longer serve our needs and our requirements and so negotiations are ongoing between Arizona and Utah to work out some agreement by which southern Nevada can receive additional water resources. I think that those negotiations can come to fruition. The Department of Interior, that is much criticized for many of its actions in Nevada has been very, very supportive. I think that those negotiations will bear fruit and that we will be able to provide additional water resources in the very, very near term.

The Nevada Test Site. The future of the Nevada Test Site is a bit brighter today. Many of you know I've chaired a Solar Task Force. I think, with the abundance that nature has provided us, solar energy is a natural fit for us here in Nevada. The Nevada Test Site which provides enormous public land to allow solar development seems to me to be a logical place as we deal with alternative uses of the Nevada Test Site, as its role has changed with the onset of the end of the cold war. To produce 100 megawatts of power driven by private sector incentives, not a government program, does require the sort of thing that you all have done extraordinarily well here in Nevada, and that is the public-private partnership. We need to establish policies at the federal level that encourage and permit that kind of development and the private sector has indicated that they are prepared to come forward and to construct such facilities. You all are going to be involved in that decision process as well because they want to construct large manufacturing facilities in southern Nevada that will require many millions of dollars. And the industrial revenue bond program that you all have been a part of and the Governor's office has been a part of is going to be a necessary component of that. One such company, Enron, which has about a $9,000,000,000 asset base has said they will come tomorrow if you can provide that opportunity for them. So, this very morning, an application is being filed with the Department of Energy for a grant to enable us to devise the request for proposal. That is a big document that gives every private sector company an opportunity to produce and to submit a proposal. I think that makes good sense.

I must say, as I speak with candor, as you invite me each biennium, there are other proposals for the Nevada Test Site that I think are fraught with danger and some peril. As you know, there has been a recent proposal to store nuclear artillery shells at the Nevada Test Site. I have not been supportive of that proposal and I believe that, at least for the

time being, we have been able to defer that decision. I don't think it is going to happen in the near term, and I am hopeful that we can dissuade them from that. But, that is part of a broader concept, which I reject and strongly disagree with and that is to convert the Nevada Test Site to a plutonium storage repository for the nuclear warheads and the old nuclear weapons that are now part of the drawback from Start I and Start II as we reduce the number of nuclear weapons that we have in America that are coming from our forward deployed areas. And there are many people that see the Nevada Test Site as the logical place to put them. I must say that I'm not one of them. I do not believe that makes sense for us, as Nevadans, to embrace that kind of activity. I favor the clean renewable energy option of solar energy which gives us a chance to become the solar capital of the world and develop improved and expanded manufacturing infrastructure base.

For more than a decade, Nevadans have remained resolute in their opposition to the high-level nuclear waste dump. More than $2,000,000,000 has been expended since the Nuclear Waste Policy Act of 1982 was enacted. Signed into law by President Reagan in 1983, it promised that there would be a repository somewhere in America in 1998—15 years. Two billion dollars later, even the most optimistic of folks say it is going to be another 15–20 or beyond. The good news is that the industry itself has become, I think, acutely aware that the likelihood of a permanent repository in Nevada is becoming increasingly remote. Incompetence and ineptitude in terms of management, the fact that increasingly there are scientific and technical obstacles that the industry is not sure they can meet and frankly, the firm, unremitting objections here in Nevada, notwithstanding the millions of dollars that have been spent to importune Nevadans to accept it. The public remains today, overwhelmingly opposed to it as they were when it was first embraced in 1983.

Now that is the good news. The bad news is that the Department of Energy and the nuclear power industry remains ever resourceful and so this coming week we have a proposal introduced by our old nemesis Senator Bennett Johnston and one introduced by the industry. Let me take a moment to explain what it is. It is billed as a temporary, or in the lexicon of the business, a Monitored Retrieval Storage System, an M.R.S.S. It's temporary. They just want to put it here temporarily. What the legislation does is two or three things, which I think ought to be of alarm and concern to every Nevadan. First of all, it says it ought to go to Yucca Mountain. Now there is no way, if you look at the map of the United States, that Nevada is the central location for the reception of high-level nuclear waste. If you wanted to get the center of the country, Kansas would be the geographic center. That is a wonderful location because most of the nuclear waste comes from the east. But, this legislation, in addition to earmarking and designating Nevada, says that the temporary licensure will be for 100 years. I don't know how stupid they think we must be. With the exception of, perhaps some of these young people up in the balcony that I see, probably none of us who have any public policy roles are going to be around 100 years from now. In addition by statute, the standards are constantly lowered and lowered to make it easier to cite. So, you can see that the interest in the permanent repository has waned. If they ever get the temporary dump on, you'll never hear about the permanent repository because that takes care of the problem, as they see it, for 100 years. Now, I recognize that there are some legitimate concerns and I've introduced in this Congress as I have in previous years a provision which will allow the utilities, the nuclear utilities, that generate the waste, and provide the nuclear power in those communities to store it on site. Dry cast storage, approved by the Nuclear Regulatory Commission has already been adopted by some responsible utilities. I went to one just two weeks ago at Calver Cliffs, Maryland outside of the Washington Belt Line, and recognizing that utility ratepayers pay into the Nuclear Waste Policy Fund, and also pay for the dry cast storage our proposers say if you do the responsible thing, keep it where it is generated to avoid the risk, danger and expense of transporting it all over the country. We will give you a credit for every dollar you spend on the dry cast storage that will offset what your contribution would have otherwise been to the High-level Nuclear Waste Fund. That, in my view, is a reasonable approach. One that is not likely to receive much enthusiasm by the nuclear power industry. Unfortunately, the actions of two public officials in apparent defiance of the majority of people in that county has now created an appearance problem that will be

used by the nuclear power industry and its advocates at this hearing—suggesting that Nevadans really are prepared to take this dump. All they want is a few dollars. There can be no compromise with health and safety. There can be no compromise with something that could impact the economic base of our state, which is tourism, in the future. That's not something that we should be playing with. That's not something that is worth the kind of risk, and for those of us who have had more than four decades of experience, having been told in the past that this is safe, that it is safe.

I grew up, as you all know, in Las Vegas. I saw the first nuclear detonation in 1951. We were excited about it. Every kid in school thought that this was the greatest thing in the world, and we were assured that there was absolutely no risk at all. We could handle it. Just let the scientists take care of it. Is there any responsible scientist on the face of the earth who would walk into this or any other legislative chamber and say they were going to detonate a nuclear device in the air about 100 miles, or less, from the largest community in your state? Of course not, but we were told that and today, you and I, as taxpayers, pay money to those individuals who suffer from genetic damage and who have died as a consequence of that experience. We do not want a future generation of Nevada legislators representing us in Washington to come back and say they are going to have to appropriate money because we did not fully understand the consequences of our actions. The siren call is always appealing; that there is money out there, the pot of gold at the end of the rainbow syndrome; the great Spanish conquistador that came into the American southwest to look for the fabled lost cities of gold. It was an illusion. So, too, my friends, is this an illusion. Our decision must remain resolute and firm. As Nevadans and as policymakers, you really have a decision to set the future course of history for our state. What kind of place do we want to provide for our children and our grandchildren?

There are some who have an option. They say we can accept toxic hazardous waste. I was confronted with such a decision in 1983 as your Governor. As regulations tightened around the country, we were engulfed by requests to establish incinerators and to let the toxic and hazardous waste from all over the Pacific Northwest and the West flow into our state. Would there have been some money in that? Yes, there would have been some people who would have made some money. Is that your vision for the future of Nevada? Yes, there would be some money made if we opened this up and allowed Nevada to become, in effect, the nuclear refuse capital of the world. We could expand upon that and say there are other countries in the world that use nuclear reactors, so why don't we take it all? That's an option that we have, and we could say about the Nevada Test Site, "Let's not think about solar energy, let's convert to plutonium storage." That is an option that we have, but it is not my vision for the future of our state. It is true that we have vast expanses, areas with very little population with a climate that is very arid. But that is part of the enchantment; part of the beauty of our country and that is why those of us who were privileged to arrive here as youngsters made a decision to stay and make it our home. And why so many of you who did not come as youngsters, but saw the attraction of Nevada and decided to make this your permanent home and to raise your families and to have your future here. We are at that crossroads, and it is a policy that will foreclose options for us in generations yet to come if we do not make the right decision.

And finally, I would observe that all of us who serve need to ask ourselves from time to time, why we are here; why do we do it? Nobody in this Chamber makes a lot of money as a result of his or her service either holding constitutional office or legislative office. The public is oftentimes not sympathetic to the great policy dilemmas that you deal with and are not terribly sympathetic. And sometimes, maybe the media is a little harsh on all of us, but I think it's on such occasions that we need to remind ourselves that each of us is here because we feel individually, whatever our party, whatever part of Nevada we come from, whatever our political philosophy, that we can make a difference—a difference in people's lives, whether it's getting a liver transplant for someone in our state who is terminally ill or whether it's helping a widow who is having difficulty cutting through the red tape to get a Social Security check, or the veteran to qualify for a home loan. Those are the kind of reasons we make our decision as we do in public service and I am one who commends you for that service.

I wish you well, and I look forward to working with each of you in the months and years ahead. Thank you, so very much.

Senator Coffin moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Bryan for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted the Senator to the bar of the Assembly.

Assemblyman Harrington moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:48 a.m.

ASSEMBLY IN SESSION

At 11:51 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Freeman, Evans, Buckley, Bache, Dini, Marvel, Carpenter, de Braga, Perkins, Sandoval, Krenzer, Brower, Giunchigliani, Goldwater, Ohrenschall and Fettic:

Assembly Joint Resolution No. 22—Urging Congress to maintain the current level of funding for public radio and public television stations.

Assemblyman Freeman moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Segerblom, Harrington, Spitler, Williams, Nolan, Close, de Braga, Neighbors, Bache, Braunlin, Ohrenschall, Goldwater, Stroth, Schneider, Sandoval, Steel, Buckley, Giunchigliani and Ernaut:

Assembly Bill No. 262—An Act relating to public spas; providing that the rules and regulations governing the use of public spas must not deny the use of such spas to children under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 263—An Act relating to the University and Community College System of Nevada; authorizing the issuance of revenue bonds to pay a portion of the cost of constructing improvements to the student union building at the University of Nevada, Reno; and providing other matters properly relating thereto.

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

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bill No. 122.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to Catherine Maher.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Spring Creek High School: Sam Ash, Neil Bartel, Brian Clark, Heather Clotworthy, Kellie Croft, Mike Erwin, Anneke Fox, Dallas Gerber, Trisha Graham, Josh Hanagarne, Shylo Johnson, Micah Kraintz, Katie Lednisky, Mike Lett, Kathleen McNeil, Karie Napier, Jill Patterson, Ken Rothwell, Salli Sarmon, Roxi Weeks, Nick Welsch, Katie Wilton, Brenoch Wirthlin, Josh Bench, Ryan Canady, Christa Weller, Kally Whittle, Kayte Williams, Jo Dawn Cavanaugh, Tiffany Daines, Sheryl Davis, Carrie Dean, Kyle Desembre, Andy Dittrich, Gretchen Dittrich, Jason Dodd, Julie Esquerra, Emily Figart, Crystal Furrh, Dana Garcia, Sean Gingerich, Erin Hall, Jason Haskins, April Hemsworth, Melissa Hersch, Michell Holmes, Arrica Landrith, Christy Lawrence, Quinton Neff, Lorell Overman, Kandis Preece, Torion Rojas, Michael Ross, Brandy Sandstrom, Danielle Schmidt, Zachary Schwalm, Kimberly Seamons, Afton Smith, Andy Upton, Aaron Vodopich and Stephanie Wand; Principal Joe de Braga; teacher Mr. Kytle; chaperones Mr. Weeks, Mrs. Weeks and Mrs. Metz.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Valley.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of E. W. Fritsch Elementary School: Valerie Bevans, Amy Brewer, Gabriel Brown, Derek Clemente, Julie Cook, Jeremiah Cupp, Kayla Dunn, Matthew Ehni, Wayne Halligan, Aron Harvey, Kerri Hickenbottom, Austin Hunsaker, Stephanie Lavelle, Magali Maciel, Mark Malikowski, Erica McAfee, Aaron Mouritsen, Cameron Murphy, Joseph Neiman, Amanda Perez, Steven Ponte, Elizabeth Rankl, Sarah Roberts, Mallory Santos, Daniel Schwedhelm, Jeremy St. Pierre, Andrew Wright and Joe Glidewell; teachers Christine Perdomo and Louise Barnitz.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Guy G. Gansert.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Brown Elementary School: Shayla Baldridge, Paola Barajas, Lee Bryant, Joey Byrne, Christian Cacibauda, C. J. Cahill, Alexis Carson, Emily Clark, Keith Cox, B. J. Damonte, Anthony Gillette, Star Legg, Liz Lydon, Carissa Martinelli, Adrian Martino, Tammie Nettleton, Cody Notmeyer, Courtney

Petrosky, Becca Coleman, Jacob Poteet, Jason Rapp, Joseph Salemi, Aric Shapiro, Zack Simantel, Natalie Stamos, Dustin Gillespie, Ale Limon, Jenny Boatman, Emilee Anderson, Matt Barr, Mike Cabantingan, Chris Chapin, Kristin Denler, Nick Eshelman, Amber Fechko, Christi Fowler, Amanda Giese, Julie Girardin, Donielle Griffin, Taylor Hodges, Kathy Martinez, Casi Miraglio, Stephanie Mitchem, Cody Neally, Jenny Pottey, Saria Rand, Jim Read, Jacob Ritter, Carly Rogers, Jamie Roice, Amy Schwartz, Ashley Shepard, Mike Springer, Josh Templeton, Adam Vaught, Ian White, Penn Tanner, Jenny Atkinson, Denielle Bolz, Trinia Breckenridge, Ben Breece, Silas Callahan, Tashenna Carney, Nick Fagalde, Amber Fiddler, T. C. Ghisletta, Stuart Greenfield, Julie Housenfluke, John Herrington, Jeff Jacob, Josh Johnson, Brian Kennedy, Lance Koehler, Adrian Legg, Robyn Legler, Andrew Lewis, Jenny Long, Jessica Martin, Cody Murray, Ursula Olson, Taylor Reid, Andy Smith, Tiffany Spitzer, Jeff Stuart, Sharilee White and Sean Martin; teachers Fran McGregor, Teri Dodson and Joyce Tyre.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Melanie Rosenberg.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, February 28, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:56 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FORTY-FOURTH DAY

CARSON CITY (Tuesday), February 28, 1995

Assembly called to order at 11:15 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Murray.

Our Most Gracious Heavenly Father, we thank You today for the privilege of prayer. Your word declares, "Now this is the confidence that we have in Him, that if we ask anything according to His will, He hears us. And, if we know that He hears us, whatever we ask, we know that we have the petitions that we have asked of Him."

We pray for wisdom, guidance, and courage, to make decisions today that will honor You and bless the people of our state. Give these men and women Your mind on every matter they address and may every decision fulfill Your will.

We ask these things in Your Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Concurrent Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 86, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, February 27, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 23, 39, 111, 112, 124, 146, 147, 150.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolutions Nos. 2 of the 67th Session, 25 of the 67th Session.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 3.

Resolution read.

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

Amendment No. 40.

Amend the resolution, page 1, line 26, by deleting "directed" and inserting "urged".

Amend the title of the resolution, first line, by deleting "Directing" and inserting "Urging".

Amend the summary of the resolution, first line, by deleting "Directs" and inserting "Urges".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Senate Joint Resolution No. 2 of the 67th Session:

Assemblyman Ernaut moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

Senate Joint Resolution No. 25 of the 67th Session:

Assemblyman Ernaut moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 264—An Act relating to civil liability; increasing the limitation on the amount of damages that may be recovered in certain tort actions; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Education:

Assembly Bill No. 265—An Act relating to education; requiring the state board of education to establish standards of instruction for pupils in public schools concerning child abuse, human sexuality and acquired immune

deficiency syndrome; requiring the board of trustees of each school district to establish programs of instruction in accordance with those standards; requiring a notice of the course and a form for consent to attend the course to be included in the registration material for each pupil; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 266—An Act relating to counties; authorizing counties to recover money expended to remove or secure hazardous materials; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 267—An Act relating to land use planning; revising provisions relating to parcel maps and final maps of subdivisions of land; revising provisions relating to the removal of members of a planning commission; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Perkins (by request):

Assembly Bill No. 268—An Act relating to title insurance; establishing restrictions for the deposit and disbursement of money deposited in escrow; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Freeman (by request):

Assembly Bill No. 269—An Act relating to public highways; directing the department of transportation to construct or cause to be constructed two walls to function as sound barriers alongside U.S. Highway No. 395 in Reno; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 270—An Act making an appropriation to the department of transportation for the construction of a highway between the Patrick interchange of Interstate Highway No. 80 and Storey County; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 271—An Act making an appropriation to the account for local cultural activities; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Marvel, Carpenter and Neighbors:

Assembly Bill No. 272—An Act relating to taxation; gradually abolishing the payment of the tax on net proceeds of minerals in advance by estimate and restoring payment according to actual proceeds derived; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Steel, Close, Schneider, Bennett, Harrington, Manendo, Segerblom, Lambert, Giunchigliani, Goldwater, Buckley, Chowning, Humke, Sandoval, Perkins, Freeman, Price, Ohrenschall, Anderson, Brower, Fettic, Braunlin, Tiffany, Nolan, Ernaut, Batten, Allard, Monaghan, Carpenter, Marvel, Stroth, Spitler, de Braga, Tripple, Neighbors, Evans, Williams, Hettrick, Bache, Krenzer, Dini and Arberry:

Assembly Bill No. 273—An Act relating to elections; prohibiting a candidate for a party nomination from changing his designation of political party from nonpartisan to a designation of a political party affiliation within a certain period before the close of filing for an election; revising the form for a declaration of candidacy or an acceptance of a candidacy for partisan office; and providing other matters properly relating thereto.

Assemblyman Steel moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Steel, Stroth, Bennett, Close, Monaghan, Harrington, Segerblom, Lambert, Chowning, Humke, Price, Ohrenschall, Anderson, Brower, Fettic, Tiffany, Ernaut, Nolan, Batten, Allard, Sandoval, Carpenter, Marvel, Spitler, Tripple, Neighbors, Hettrick, Williams and Braunlin:

Assembly Bill No. 274—An Act relating to the legislature; providing a method for determining the leadership of the assembly or senate in the event of an evenly divided membership between two political parties; and providing other matters properly relating thereto.

Assemblyman Steel moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 23.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 39.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 111.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 112.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 124.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 146.

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

Motion carried.

Senate Bill No. 147.

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

Motion carried.

Senate Bill No. 150.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bill No. 105 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Ernaut.

Motion carried.

Assemblyman Ernaut moved that Assembly Bill No. 32 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Ernaut.

Motion carried.

Assemblyman Harrington moved that Assembly Bill No. 124 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Harrington.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:38 a.m.

ASSEMBLY IN SESSION

At 11:41 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Harrington withdrew his motion.

Assemblyman Harrington moved that Assembly Bill No. 124 be taken from the General File and re-referred to the Committee on Education.

Remarks by Assemblyman Harrington.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 18.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 33.

Amend section 1, page 1, by deleting line 4 and inserting: "*entrance to the building or other structure in which a polling place is located:*".

Amend section 1, page 1, by deleting lines 9 and 10 and inserting: "*As used in this subsection, "electioneering" means campaigning for or against any candidate, measure or political party by posting signs, handing out literature, wearing related insignia or using loudspeakers to broadcast related information.*

2. *Subsection 1 does not apply to the conduct of any person in a private residence or on residential property that is within 100 feet of the entrance to a building or other structure in which a polling place is*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 73.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 193.

Bill read second time, ordered engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 11.

Bill read third time.

Remarks by Assemblyman Harrington.

Roll call on Assembly Bill No. 11:

YEAS—42.

NAYS—None.

Assembly Bill No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 31.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 31:

YEAS—42.

NAYS—None.

Assembly Bill No. 31 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 53.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 53:

YEAS—42.

NAYS—None.

Assembly Bill No. 53 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 145.

Bill read third time.

Remarks by Assemblyman Harrington.

Roll call on Assembly Bill No. 145:

YEAS—41.

NAYS—Anderson.

Assembly Bill No. 145 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Joint Resolution No. 7:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Joint Resolution No. 9:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 9 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 105.

Bill read third time.

Remarks by Assemblymen de Braga, Bache and Williams.

Assemblyman Williams moved that Assembly Bill No. 105 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 32.

Bill read third time.

The following amendment was proposed by Assemblyman Perkins:

Amendment No. 45.

Amend sec. 3, page 1, by deleting lines 9 and 10 and inserting:

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

Assemblyman Perkins withdrew the amendment.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 32:

YEAS—42.

NAYS—None.

Assembly Bill No. 32 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:07 p.m.

ASSEMBLY IN SESSION

At 12:11 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Bache:

Assembly Bill No. 275—An Act making an appropriation to the department of education for distribution to county school districts for reimbursement of expenses related to transient pupils; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Arberry, Williams, Giunchigliani, Ernaut, Perkins, Marvel, Stroth, Close, Allard, Humke, Chowning, Batten, Dini, Evans, Tiffany, Buckley, Nolan, Harrington, de Braga, Neighbors, Carpenter, Goldwater, Freeman, Price, Sandoval, Anderson, Monaghan, Manendo, Lambert, Tripple and Brower:

Assembly Bill No. 276—An Act relating to telephones; prohibiting a public utility which furnishes telephone service from terminating access to the 911 emergency telephone number or other emergency telephone service after the telephone service is terminated for nonpayment of the service; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following Boy Scouts of Troop No. 43: Matthew Gruner, Kyle Foss, Evan de Prosse, Andy Speakman, Nick Hill, Andrew Eckes, Trevor Cook, A. J. Kennison, Galen Brodrick and Marshal Gori; parents Ann Cook, Leann Gori, Cindy de Prosse, Katie Foss, Jane Gruner, Laura Kennison and Lauri Speakman.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Northside Elementary School: Tony Billett, Adam Bos, Traci Coe, Yolanda Conklin, Bryan Dockery, David Downs, Johsua Guthrie, Trisha Hansen, Andrew Hockenberry, Tia Hooper, Mary Beth Lamb, Vanessa Peraldo, Tim Rechel, Nathan Rogne, Jareb Saurman, Samantha Scheible, Karen Schottel, Tiffany Sharrard, Sean Smith, Sydney Smith, Melissa Thompson, Jamie Tucker, Michael Warsler, Andy Hansen, Jennifer Benda, J. J. Billet, Patara Bitto, Preston Breen, Barbara Butler, Kyle Cheek, Kelly Davis, Tony Guillen, Nick Hitt, Daniel Hooper, Lori Hutchings, Leona Johnson, A. J. Lister, Derek Marsh, Angela McFaddin, Dapheny McKay, Chassity Mills, Heidi Riggins, David Roberson, Kristen Simms, Tom Slonecker, Jamie Stone, Michon Sullivan, Chris Wadsworth and Michael White; teachers Chris and Karen Hansen; chaperone Debbie Hooper.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to John Ellis.

Assemblyman Ernaut moved that the Assembly adjourn until Wednesday, March 1, 1995 at 11 a.m., and that it do so in honor of Mrs. Mouryne B. Landing's birthday.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly
LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FORTY-FIFTH DAY

CARSON CITY (Wednesday), March 1, 1995

Assembly called to order at 11:07 a.m.

Madam Speaker pro Tempore Evans presiding.

Roll called.

All present except Assemblyman Braunlin, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, as the rest of the world concerns itself with whether or not we'll have baseball, and as everyone else seems glued to news coverage of the Simpson trial, we find ourselves occupied with many other concerns. Admittedly, some of these don't seem too exciting. May these civil servants keep their edge, stay alert and remember the people they serve.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 107, Assembly Joint Resolution No. 19 of the 67th Session has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 4, 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM Z. HARRINGTON, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Bache, Dini, Spitler, Neighbors, Sandoval, Giunchigliani, Freeman, Price and Manendo:

Assembly Joint Resolution No. 23—Proposing to amend the constitution of the State of Nevada to require that the Governor and Lieutenant Governor file and be elected jointly and to merge the offices of state treasurer and state controller.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That sections 2, 4, 17, 19 and 22 of article 5 of the constitution of the State of Nevada be amended to read respectively as follows:

[Sec:] *Sec.* 2. The Governor [shall] *and Lieutenant Governor must be affiliated with the same political party and must* be elected *jointly* by the *casting by each* qualified [electors] *elector of a single vote applicable to both offices* at the time and places of voting

for members of the Legislature . [, and] *The Governor and Lieutenant Governor* shall hold [his] office for [Four Years] *four years* from the time of [his] *their* installation, and until [his successor shall be] *their successors are* qualified. *Each candidate for Governor shall file jointly with a candidate for Lieutenant Governor in primary elections, or otherwise comply with nomination procedures provided by law so that the offices of Governor and Lieutenant Governor are voted upon together in primary and general elections.*

[Section] *Sec.* 4. The returns of every election for United States senator and member of Congress, district and state officers, and for and against any questions submitted to the electors of the State of Nevada, voted for at the general election, shall be sealed up and transmitted to the seat of government, directed to the secretary of state, and the chief justice of the supreme court, and the associate justices, or a majority thereof, shall meet at the office of the secretary of state, on a day to be fixed by law, and open and canvass the election returns for United States senator and member of Congress, district and state officers, and for and against any questions submitted to the electors of the State of Nevada, and forthwith declare the result and publish the names of the persons elected and the results of the vote cast upon any question submitted to the electors of the State of Nevada. The persons *or, in the case of the offices of governor and lieutenant governor, the team of persons* having the highest number of votes for the respective offices shall be declared elected, but in case any two or more *persons or teams* have an equal and the highest number of votes for the same office, the legislature shall, by joint vote of both houses, elect one of [said persons to fill said office.] *the persons or teams to fill the office or offices.*

[Sec: 17. A] *Sec. 17. The eligibility of the* Lieutenant Governor [shall be elected at the same time and places and in the same manner as the Governor and his term of Office, and his eligibility, shall also be the same. He] *is the same as that of the Governor. The Lieutenant Governor* shall be President of the Senate, but shall only have a casting vote therein. If during a Vacancy of the office of Governor, the Lieutenant Governor shall be impeached [,] *or* displaced, *shall* resign, die, or become incapable of performing the duties of the office, or be absent from the State, the President *pro-tempore* of the Senate shall act as Governor until the vacancy [be] *is* filled or the disability [cease.] *ceases.*

[Section] *Sec.* 19. A secretary of state, a treasurer [, a controller,] and an attorney general, shall be elected at the same time and places, and in the same manner as the governor. The term of office of each shall be the same as is prescribed for the governor. Any elector shall be eligible to either of said offices.

[Section] *Sec.* 22. The secretary of state, state treasurer, [state controller,] attorney general, and superintendent of public instruction shall perform such other duties as may be prescribed by law.

And be it further

RESOLVED, That section 3 of article 9 of the constitution of the State of Nevada be amended to read as follows:

Sec. 3. The state may contract public debts; but such debts shall never, in the aggregate, exclusive of interest, exceed the sum of two per cent of the assessed valuation of the state, as shown by the reports of the county assessors to the state [controller,] *treasurer,* except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semiannually, and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest; and such appropriation shall not be repealed nor the taxes postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the state, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the state in time of war, or, if hostilities be threatened, provide for the public defense.

The state, notwithstanding the foregoing limitations, may, pursuant to authority of the legislature, make and enter into any and all contracts necessary, expedient or advisable for the protection and preservation of any of its property or natural resources, or for the

purposes of obtaining the benefits thereof, however arising and whether arising by or through any undertaking or project of the United States or by or through any treaty or compact between the states, or otherwise. The legislature may from time to time make such appropriations as may be necessary to carry out the obligations of the state under such contracts, and shall levy such tax as may be necessary to pay the same or carry them into effect.

And be it further

RESOLVED, That section 12 of article 15 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec.* 12. The Governor, Secretary of State, State Treasurer [, State Controller,] and Clerk of the Supreme Court, shall keep their respective offices at the seat of Government.

And be it further

RESOLVED, That section 22 of article 17 of the constitution of the State of Nevada be amended to read as follows:

Sec. 22. In case the office of any State officer, except *the Lieutenant Governor or* a judicial officer, shall become vacant before the expiration of the regular term for which he was elected, the vacancy may be filled by appointment by the Governor until it shall be supplied at the next general election, when it shall be filled by election for the residue of the unexpired term. *If a vacancy occurs in the office of the Lieutenant Governor, the person appointed as Lieutenant Governor by the Governor shall hold office until the next general election in which a Governor is elected.*

Assemblyman Bache moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Assembly Concurrent Resolution No. 3.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblyman Freeman.

Resolution adopted.

By Assemblyman Bache:

Assembly Concurrent Resolution No. 12—Directing the Legislative Counsel to reorganize and divide the provisions of chapter 616 of NRS.

Assemblyman Bache moved that the resolution be referred to the Committee on Labor and Management.

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:49 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 277—An Act relating to drivers' licenses; authorizing a sentence of residential confinement as an alternative to imprisonment for

certain convictions relating to driving while a license has been suspended, revoked or restricted; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 278—An Act relating to state employees; revising provisions regarding the granting of leaves of absence without pay to certain state employees; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Close, Anderson, Spitler, Arberry, Marvel, Fettic, Allard, Hettrick, Brower, Chowning, Price, Segerblom, Giunchigliani, Evans, Ernaut, Krenzer, Lambert, Monaghan, Stroth, Carpenter, Nolan, Steel, Goldwater, Manendo, Tiffany, Sandoval, Neighbors, Bennett, Ohrenschall, Batten, Harrington, Humke, Dini, Bache, Tripple and Williams:

Assembly Bill No. 279—An Act relating to legislation; limiting the number of requests for drafting legislative measures that a local government may submit; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 280—An Act relating to notaries public; providing a procedure to amend a certificate of appointment; expanding the notarial acts a notary public is authorized to perform; providing additional requirements for the bond required to be filed by a notary public; providing additional short forms for certain notarial acts; revising the qualifications for appointment as a notary public; revising the penalties that may be imposed for misconduct; making it unlawful to use a reproduction of a notarial statement under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Lambert, Ernaut, Freeman, Hettrick, Humke, Bache, Neighbors, Manendo, Allard, Evans, Anderson, Bennett, Close and Brower:

Assembly Bill No. 281—An Act relating to municipal obligations; requiring a unanimous vote of the governing body of a municipality for the issuance of certain general obligations without an election; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Arberry, Williams, Price, Chowning, Batten, Evans, Krenzer and Segerblom:

Assembly Bill No. 282—An Act relating to disadvantaged businesses; authorizing under certain circumstances a preference for such businesses in public works and in state and local government purchasing; requiring licensees of the Nevada gaming commission to establish goals concerning contracting with such businesses; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Williams, Arberry, Krenzer, Bache, Price, Steel, Segerblom, Carpenter, Neighbors, Anderson, Chowning, Manendo, Giunchigliani and Lambert:

Assembly Bill No. 283—An Act relating to education; requiring each school district to submit annually to the superintendent of public instruction a report concerning the recruitment of new teachers by the district; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Buckley, Giunchigliani, Segerblom, Freeman, Sandoval, Anderson, Humke, Chowning, Manendo, Price, Steel, de Braga, Perkins, Evans, Bache, Ohrenschall, Goldwater, Allard and Williams:

Assembly Bill No. 284—An Act relating to labor; prohibiting an employer from requiring an employee to share his tips or gratuities with certain other employees; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Buckley moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 86.

Bill read second time.

The following amendment was proposed by Assemblymen Batten, Manendo, Ohrenschall, Carpenter and Stroth:

Amendment No. 48.

Amend section 1, page 1, line 2, by deleting: "[who has not previously" and inserting: "who has not [previously".

Amend section 1, page 1, line 5, after the closed bracket by inserting: "*been admitted to probation pursuant to this section more than once within the preceding 5 years*".

Amend section 1, page 1, by deleting line 13 and inserting:

"2. [Upon violation of a term or condition, the court may] *The court:*

(a) Shall, if the accused fails within 1 year to fulfill the terms and conditions of the probation; and

(b) May, upon violation of a term or condition of the probation,

enter a judgment".

Assemblyman Humke moved that Assembly Bill No. 86 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 146.

Bill read second time.

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

Amendment No. 41.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

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

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 113.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 73.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 73:

YEAS—41.

NAYS—None.

Absent—Braunlin.

Assembly Bill No. 73 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 79.

Bill read third time.

Remarks by Assemblymen Close, Harrington and Price.

Potential conflict of interest declared by Assemblymen Harrington and Price.

Roll call on Assembly Bill No. 79:

YEAS—41.

NAYS—None.

Absent—Braunlin.

Assembly Bill No. 79 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 193.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 193:

YEAS—39.

NAYS—None.

Absent—Braunlin.

Not voting—Evans, Humke—2.

Assembly Bill No. 193 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Skan.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Stebner, Chuck Stebner, Emily Stebner, Jayne Carlson, August Stebner, Ello Stebner and Arla Hettrick.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Billinghurst Middle School: Joshua C. Beyerl, Marie E. Cannon, Alex R. Cardenas, Frederick R. Crist, Stephen A. Edwards, Heather L. Erling, David H. Garrett, Aaron G. Gaynor, Molly A. Griffiths, Sail M. Horton, Kevin B. Jamison, Holly L. King, Sara F. Kirchgestner, Travis L. May, Jennifer L. Pearce, Adam C. Protain, Diana H. Quinonez, Pablo F. Quintero, Lucas Riley-Reames, Aubry L. Shroyer, Ryan J. Todorova, Kelly A. Wetzler, Jane Meranda, Leisel Ohandan, Amy Peel, Rose Rowe, Dana Harding, Jeromy C. Ainsworth, Oscar H. Avendano, Sarah T. Bell, Derak A. Berreyesa, Joseph T. Brown, Natasha R. Cain, Brandi J. Cipriani, Jonathan J. Fanjul, Jeremy D. Foote, Donald E. Goodballet, Nicole K. Grotts, Kelly A. Gunderson, Allison J. Hay, Robert B. Hoeffer, Steven M. Jackson, Michael B. Macdonald, Melissa M. Markee, Sarah N. Northey, Traci A. Reck, Jamie Schuster, My T. Thai, Jessika M. Tully, Heather A. Walker, Samuel R. Wright, Peter J. Anderson, Lisa J. Berry, Nicodemus Blanchard, Andrew W. Crow, Amber N. Cunningham, Roseanna G. Fielder, Adeline M. Fisher, Kevin J. Fontenot, Valerie M. Frank, Jose Garcia, Tisha M. Giddings, Brian M. Glazner, Dayton J. Hendricks, Randolph L. Hofman, Jennifer C. Isenberg, Jason C. Jo, Christopher R. Jones, Shane R. Kissler, Kymberly M. Ladaga, Brian D. Marsh, Bernadette McElroy, Shane A. Mori, Katrina M. Olson, Sarah M. Pipitone, Sheniqua

S. Rivera, Sarah B. Romike, Matthew R. Rowe, Barrett K. Simonton, Samantha J. Stover, James R. Wilson, Shannon Strain, Amber Kluener and Lisa Cause; teacher Frank Sandomenico.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Swope Middle School: Sam Baaklini, Stephen Bryan, Angelina Chambler, John Drakulich, Erica Gipson, Bryan Gordon, Andrea Grasso, Earl Hecker-Bellucci, Michael Hobbs, Christian Janssen, Kathrine King, Keely McGee, Jodi Meyer, Heather Moore, Chelsea O'Driscoll, Robert Peterson, Sara Pool, Heather Reimer, Jeffrey Robinson, Lael Rose, Jose Salguero, Lisa Scheper, Benjamin Shryock, Stephanie Sparkman, Jared Thomas, Theodore Wells, Colleen Anderson, Angela Becerra, Ali Behnoud, Anton Burton, Justin Carrico, Jeremy Clarke, Kara Concha, Marlene Deleon, Stanley Diaz, Megan Drumheller, Laura Etcheto, Deanna Godfrey, Brieanan Hird, Rufino Jacinto, Derik Kane, Matthew Link, Emily Ludlow, Erin Lyle, Elizabeth McCombs, Michael McDurmon, Frank Plascenia, Leah Rea, Daryl Richmond, Amber Shaughnessy, Jonathan Smith, Jessy Todd and Jared Turner; teacher Paul Nielsen; chaperones Carolyn Heiser and Kevin McDurmon.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Ted DeCorte.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, March 2, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:17 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FORTY-SIXTH DAY

CARSON CITY (Thursday), March 2, 1995

Assembly called to order at 11:08 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblymen Braunlin and Humke, who were excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father in Heaven, today I am reminded of the diversity of the Americans that we represent in the State of Nevada. We are here to serve African Americans, Native Americans, Hispanic Americans, Asian Americans, Caucasian Americans and a few others that I have probably overlooked. May we overlook none and may we be thankful for the richness of this diversity. We pray this in the distinctive name each of us holds dear.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bills Nos. 147, 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. CARPENTER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 1, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 137.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 87.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 1.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 1.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Segerblom, Buckley, Chowning, Manendo, Giunchigliani, Bache, Batten, Sandoval, Goldwater, Fettic, Schneider, Neighbors, de Braga, Williams, Dini, Perkins, Anderson, Arberry, Evans, Krenzer and Spitler:

Assembly Bill No. 285—An Act relating to counties; removing a restriction on the ability of certain county fair and recreation boards to expend money in support of airports; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Lambert, Humke, Price, Tiffany, Sandoval, Marvel, Manendo, Brower, Bache, Anderson, Neighbors, Allard, Bennett, Ernaut, Evans, Close, Monaghan, Batten, Stroth, Fettic, Carpenter, Tripple, Harrington, Steel, Hettrick, Nolan, Segerblom, Williams, Perkins and Giunchigliani:

Assembly Bill No. 286—An Act relating to the administrative procedure act; revising the provisions governing the contents of the notice for proposed administrative regulations; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 87.

Assemblyman Ernaut moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 137.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 4.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 39.

Amend section 2, page 2, by inserting between lines 9 and 10:

"*If a board of trustees of a school district operates an alternative program of education pursuant to NRS 388.537 and includes in that program an opportunity for pupils to obtain academic credit through experience gained while engaged in community service projects:*".

Amend the title of the bill, second line, by deleting "requiring" and inserting: "requiring, under certain circumstances,".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 5.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 16.
Amend section 1, page 1, by deleting line 12 and inserting: "may be employed for a term of] *for an initial term* not to exceed 4 years. *The term of any subsequent employment may be of any duration.*".
Assemblyman Harrington moved the adoption of the amendment.
Remarks by Assemblyman Harrington.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 107.
Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 19 of the 67th Session.
Resolution read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Bill No. 18 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Giunchigliani.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 113.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Senate Bill No. 113:
YEAS—39.
NAYS—de Braga.
Absent—Braunlin, Humke—2.

Senate Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Jerry Whitehead Elementary School: Jimmy Amrine, Elysa Buckheart, Steve D'Alessio, Ryan Garton, Jason Griffith, Wayne Hodgen, Lindsey Holmes, Megan Holtz, Claire Housby, Katie Jacobs, Alexis Jensen, Shelly Kuiken, Amanda Lux, Keith Marble, Tyler Maxey, Nicholas Mentzer, Christin Ohl, Mark Palmer, Philip Perry, Breeana Roberts, Brett Rodela, Brandon Shirey, Amber Sobrio, Kelli Stewart, Kris Zimmerman, Alison

Cerocke, Amanda Davidson, Allison Eckert, Barret Garland, Adam Haining, Derek Jensen, Joseph Kwapich, Clara Leal, Amanda Magrini, David Marshall, Hayden Moore, Josh Morales, Quinten Quiggle, Melissa Satmary, Darcy Shepard, Gidget Silva, Bethany Smith, Aaron Sousa, Lisa Terry, Cherre Thomas, Edmund Wong, Dallas Kuehl and Lindsey Corbridge; teachers Diane Gunderson and Vicki Yukish.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Cheryl Shingler and the following students of E.C. Best Elementary School: Kevin Zimmerman, Tom Ames, Andy Armstrong, Zach Braegger, Ben Catlett, Zach Chitwood, Heather Cody, Adrian Delacruz, Amanda Dotson, James Doty, Jessica Elm, Mark Herndrix, Kariann Lattin, Tyra McMillen, Serenity Miller, Jessie Nuttal, Lara Peterson, Christopher Pope, Odessa Stephens, Nicholas Taylor, Aaron Ward, Kristen Allen, Jennifer Arnhart, Adam Braegger, Charlie Brooks, Katherine Catlett, Niki Charter, Jackie Cottle, Brady Drayton, Shaun Fies, Sandy Hurley, Patrick James, Jessica Leslie, Melinda Maley, Jennifer Melius, Kendra Mulroy, Eric Munoz, Edward Mylrea, Josh Parker, Lana Peterson, Tyler Rockey, Tamalia Rosse, Drew Smith, Meaghan Smith, Brian Wilcox and Heather Yessilth; teachers Alf Rylander and Judith Rylander; chaperones Shirley Zamora, Brandy Smith, Vi Catlett, Susan Miller, Kristina James, Ernest Van Winkle and Rhonda McMillian.

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Leite.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to David Branson and David Hornbeck.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Suzanne LeBlanc.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to Victoria Ford and Dennis Parks.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Janey Rudy.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Kreeger and Max Hershenow.

On request of Assemblyman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Richard Esparza and Tom Mangione.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Lynn M. Rubel, Marvin Epstein and Nancy Sheffield.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Mendy Cavanagh and Mary Brown.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Roger M. Peltyn.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Pat DiLoreto.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Kathie Bartlett.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Denio.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Joan Morrow and Patricia Fenkell.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Geannine Barneley.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Helm and Sue Clark.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Barry Auman.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Ponn.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Christine Orr.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Sins and Pat Smith.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Winzeler.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Sandy Colon Peltyn and Frances Theiercof.

On request of Assemblyman Monaghan, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Rawlings.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Hayes and Randy Capurro.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Aguilar.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Murray.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Anastasia Kuckenmeister and Peter J. Piazza.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Whipple and Karen Wells.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Lamar Maarchese and Marcia M. Neel.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Angie Wallin.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Lou Emmert and Isabel Perera-Pfeifer.

On request of Assemblyman Steel, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Brogan and Carol Lee Conte.

On request of Assemblyman Stroth, the privilege of the floor of the Assembly Chamber for this day was extended to Diana White Eagle.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Golub.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Bryan L. Rives.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Karen L. Chandler.

Assemblyman Ernaut moved that the Assembly adjourn until Friday, March 3, 1995 at 10 a.m.

Motion carried.

Assembly adjourned at 11:48 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FORTY-SEVENTH DAY

CARSON CITY (Friday), March 3, 1995

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

Speaker Dini presiding.

Roll called.

All present except Assemblymen Braunlin and Williams, who were excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, in the midst of life's hustle and bustle, we thank You, God for Friday. May we have the rest and safety and family closeness we desperately need. In our Lord's name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 216, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM Z. HARRINGTON, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 61, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDI KRENZER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Bill No. 18 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 107.

Bill read third time.

Remarks by Assemblyman Buckley.

Roll call on Assembly Bill No. 107:

YEAS—40.

NAYS—None.

Absent—Braunlin, Williams—2.

Assembly Bill No. 107 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 146.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 146:

YEAS—40.

NAYS—None.

Absent—Braunlin, Williams—2.

Assembly Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 19 of the 67th Session.

Resolution read third time.

Potential conflicts of interest declared by Assemblymen Anderson, Arberry, Bache, Humke, Perkins, Williams, Giunchigliani, Fettic, Neighbors, Segerblom and Tripple.

Remarks by Assemblyman de Braga.

Roll call on Assembly Joint Resolution No. 19 of the 67th Session:

YEAS—40.

NAYS—None.

Absent—Braunlin, Williams—2.

Assembly Joint Resolution No. 19 of the 67th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 18.

Bill read third time.

The following amendment was proposed by Assemblyman Giunchigliani:

Amendment No. 54.

Amend section 1, page 1, line 12, after the period by inserting: "*The term does not include the wearing of campaign-related insignia by a person who is present in the polling place solely to cast his vote.*".

Assemblyman Giunchigliani withdrew the amendment.

Remarks by Assemblymen Giunchigliani, Segerblom, Anderson, Goldwater, Harrington, Nolan, Steel, Manendo, Close and Carpenter.

Roll call on Assembly Bill No. 18:

YEAS—40.

NAYS—None.

Absent—Braunlin, Williams—2.

Assembly Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Marvel moved that Assembly Bills Nos. 147, 161 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Marvel.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 287—An Act relating to mobile home parks; allowing the conversion of a master-metered water system in a mobile home park to individual water meters; prohibiting the landlord from recovering the costs of such a conversion from his tenants; allowing newly constructed mobile home parks to provide water service to individual meters; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 288—An Act relating to parole; increasing the number of members of the board of parole commissioners; changing the number of members required to make a decision on an issue involving certain offenders; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Close, Manendo, Giunchigliani, Lambert, Monaghan, Allard, Brower, Stroth, Hettrick, Ernaut, Harrington, Nolan, Buckley, Chowning, Arberry, Price, Krenzer, Marvel, Sandoval and Goldwater:

Assembly Bill No. 289—An Act relating to motor vehicles; authorizing the department of motor vehicles and public safety to issue special license plates and certificates of registration for "classic vehicles"; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Tiffany, Lambert, Fettic, Close, Brower, Manendo, Marvel, Hettrick, Batten, Segerblom, Tripple, Harrington, Stroth, Allard, Ernaut and Sandoval:

Assembly Bill No. 290—An Act relating to teachers; requiring the adoption of regulations specifying the educational course work that a teacher must complete to qualify for the renewal of an endorsement in a field of specialization; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Tiffany, Lambert, Manendo, Close, Brower, Fettic, Marvel, Hettrick, Batten, Tripple, Harrington, Stroth, Allard, Ernaut and Sandoval:

Assembly Bill No. 291—An Act relating to education; authorizing the issuance of a conditional license to teach to a person who possesses a college degree but has not fulfilled all other requirements for licensure; limiting the scope of the license; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Education.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Joe Hill and Bruce Giles.

Assemblyman Perkins moved that the Assembly adjourn until Monday, March 6, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 10:37 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTIETH DAY

CARSON CITY (Monday), March 6, 1995

Assembly called to order at 11:25 a.m.
Speaker Hettrick presiding.
Roll called.
All present except Assemblyman Lambert, who was excused.
Prayer by the Chaplain, The Reverend Jeff Watkins.

Father in Heaven, we come before You this morning seeking Your guidance and inspiration that our thoughts and actions might be in agreement with Yours. Help us to see things as You see them. We ask this with reverence and humility. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Ernaut moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 61.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 216.
Bill read second time, ordered engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 4.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Assembly Bill No. 4:

YEAS—39.
NAYS—Bennett, Carpenter—2.
Absent—Lambert.

Assembly Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 5.
Bill read third time.
Remarks by Assemblyman Harrington.
Roll call on Assembly Bill No. 5:

YEAS—41.
NAYS—None.
Absent—Lambert.

Assembly Bill No. 5 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair for the purpose of hearing an address by Mr. William Detweiler, National Commander of the American Legion.

Motion carried.

Assembly in recess at 11:43 a.m.

ASSEMBLY IN SESSION

At 12:16 p.m.

Mr. Speaker presiding.

Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

MR. SPEAKER:

We are privileged today to have William Detweiler, the National Commander of the American Legion, address the joint bodies.

William M. Detweiler, 54, of New Orleans, was elected National Commander of the American Legion on September 8, 1994, during the closing session of the American Legion's 76th Annual National Convention in Minneapolis, Minnesota.

Mr. Detweiler served in the United States Army Intelligence Corps from 1963-1965. In 1966, he was transferred from Active Reserve to Standby Reserve with the rank of Captain.

He obtained his Bachelor's Degree in Sociology in 1961, and a law degree in 1963 from Loyola University in New Orleans. Mr. Detweiler became a practicing attorney and has served as elected Constable of the First City Court in New Orleans since 1979.

He is actively involved in the New Orleans community, serving on dozens of committees and chairing many of them. Mr. Detweiler is a long-time member of the Louisiana Historical Society. He was the co-chair of Operation Heros' Welcome to New Orleans, which assured a warm welcome to local veterans returning from the Persian Gulf War. He also chairs the Advisory Committee for the Agent Orange Family Systems Project.

He is married to the former Maureen Reed. They have four children: Scott, Bonnie, Keith and Jeannie.

Please help me welcome National Commander Detweiler.

MR. WILLIAM DETWEILER, *National Commander,* American Legion:

Thank you, very much. Mr. Co-Speakers, Mr. President, Members of the Senate and the House of the great State of Nevada, guests and my fellow Legionnaires and ladies of the Auxiliary who are in the audience. Some people may find it surprising that I am comfortable to stand in a room of politicians. I having been in politics since 1956, having been in elected office since 1978, I find it very comfortable to be here. I also find it, as I mentioned to the Speaker, that you have beautiful facilities. I had a couple of people come up to me as I came in, and apologize for one thing or another, because you are a small state. Well, I understand that great things come in small packages. I am happy to be here. Nevada has contributed greatly to this nation and I am pleased to be able to spend a few moments with you. The American Legion, as many of you know, was founded some 76 years ago and one of the most important issues before us continues to be an issue that concerns not only the American Legion, but I know concerns the members of the House and Senate here in Nevada, and that is the question of VA benefits. We were instrumental

as an organization in establishing the Veterans Administration back in the 1930s and the American Legion has stepped forward on numerous occasions when the question of benefits was brought to issue.

Some of you may not know that back in 1932, President Roosevelt had a bill run through with no debate. With that bill, all VA benefits were wiped out. The Legion stepped forward with a grass roots campaign and those benefits were reinstated. We have moved along from that time to a time including just shortly after World War II, when we stepped forward again and established the GI Bill. We saw to its development, its passage and its enactment. We are pleased and proud of that and we have continued to work for those issues.

Here in the State of Nevada, you have a great number of veterans who have participated in all wars, and have participated with great honor and great respect from you and from our American people. But, our population continues to grow as far as veterans are concerned, and the issues that we face as an organization working for those veterans are issues that are very important to you as a state and to you as legislators in this state. You are concerned about the bottom line of the dollar. We, as an organization, work on a daily basis in Washington lobbying the House and Senate and the administration to bring back to our states and communities more benefits, not only for our veterans community, but also more benefits from the standpoint of military entitlements, military establishments, keeping our bases open and working for our military people. This is something we do on a day-to-day basis, and I think that this is very important not only to us as an organization and of war-time veterans, but you as elected officials here in the State of Nevada. You are concerned about your communities, you are concerned about employment, and I would say that probably two of the largest employers in the State of Nevada, or any other state for that matter, are the military with all the spinoffs that come from the defense industry, such as the VA Health Care System, the hospital you have in Reno, the outpatient clinic you have in Las Vegas and the various other things.

How many of you have bought homes through the home loan program or attended graduate school because of the GI Bill? We have some problems. We have some problems, but we continue to work on those problems. We know that the hospital in Reno needs to be updated and I assure you that the American Legion members here in the State of Nevada, as well as the national organization, continue to lobby for the funds to try to improve that facility and offer better care for those veterans that use that facility. One of the things that we are trying to do as an organization, and we know that dollars are tight on the state level as well as on the national level, is to find new dollars to go into the system.

One of the things they are having success with is to allow the third party reimbursement monies, hospitalization, Medicare and so forth for the veterans to stay in those hospitals and improve those facilities where the services are rendered. That is being done. I will give you an example of something that is being done on a "pilot basis" and hopefully it will eventually happen here in Nevada as well as in all of our states within the VA system to help improve it. In Ashville, North Carolina, they have a program using Champus monies to treat people in that hospital and keep those funds. And they are keeping the funds and using them for the betterment of all. We believe that if the VA would open up the system and get rid of what they call the "means test," where certain veterans that earn more money than is allowed cannot use the hospital, and allow the hospitals to be open to all veterans, that those monies would flow in. They could use those monies and it would help to better those hospitals and we would see a situation, for example in Reno, where the facility could be improved for all.

I also know, from talking to the people here in Nevada, that this particular year you are talking about state veterans' homes. I have had the pleasure of visiting a good many veterans' homes around the country. The homes can be built with matching funds of at least 65 percent from the Federal Government and 35 percent from the state. Some are small specialized facilities. Others appear to be larger facilities, but regardless of what it takes, I hope that one day a veterans' home can be opened here in this state.

I know that it was not too many years ago that you established in Nevada two state veterans' cemeteries. It is a service that should be offered to these people. Through the VA

Veterans' Home Grants Program, you have had an excellent opportunity to care for veterans while they are still with us. I would urge you during this session to give favorable consideration and support to establishing a veterans' home here.

Nevada is a state that continues to grow. I heard this morning on TV that the City of Reno will double in size by the first part of the next century. And that, of course, will bring additional veterans into the state. Today we are not at war, we are not in hostility, so to speak, but we are now involved in what is called peace keeping or peace enforcement operations around the world. This is a situation that probably will continue, and as a result of that, we will continue to have the need for veterans' services.

A couple of weeks ago, I had the opportunity to stand at the tomb of the gentleman whose picture you have in front of you, Mr. Lincoln. I had the opportunity to speak at Mr. Lincoln's tomb, and when I arrived, I thought of a couple of things that have been uppermost in the minds of a lot of American people over the last few months. That, of course, involves the problems we have seen develop at the Smithsonian Institution in Washington. Most of you are familiar with the problems surrounding the Enola Gay issue. The Enola Gay is the plane that dropped the first bomb on Japan bringing an end to World War II. That issue really is a symptom of the problems that have been going on in this country for a long time. You know, Mr. Lincoln said that you can fool some of the people some of the time, but you can't fool all of the people all of the time. And unfortunately, the curators that developed the Enola Gay exhibit at the Smithsonian thought they could fool the American people. The exhibit was centered around the Enola Gay. It was an exhibit that was flawed from the very beginning. It was written by a group of revisionists, historians or curators, who in effect said that we, the American people, particularly those veterans of World War II, were the aggressors and the Japanese were the victims and we, as a nation, bombed a defeated country when the bombs were dropped on Nagasaki and Hiroshima. It questioned the morals and the motives behind President Truman's desire to bring World War II to a conclusion. That is unfortunate, but again, I think it shows what is going on in this country.

For too long, it has been out of vogue to be patriotic and stand up for what is right. The American Legion took it upon itself to step forward and face the curators of the Smithsonian. The American Legion says that all we ask is the facts be properly presented and that no one's particular agenda be presented to the American people, or to those who visit that facility. We ask only that the facts be presented without commentary and without bias. We have been successful today, after many months of controversy. Mr. Hammon, the Secretary of the Smithsonian, finally agreed to cancel the exhibit as it was prepared. He has agreed to use the same reasoning that I had discussed with him four or five months ago as his reason for canceling the exhibit. It is unfortunate that he waited that long because it brought that revered institution into a lot of controversy. Today, we are working hard to see that the plane which played such an important part in ending the terrible destruction of the War in the Pacific be properly displayed so those who participated in the war will have an opportunity to look at it.

We have an obligation to teach our young people, and many of you have participated in the various youth programs of the American Legion over the years. We have a need to never forget, to always remember. We have a need not to rewrite history, but to learn from it. That is all we have sought in this effort with the Smithsonian.

It is not only that problem that shows this is a symptom of the problems that are facing this country about being "politically correct" and not being patriotic. Many of you know of the issues that have come about in the examination of our textbooks. Our textbooks have been written so that the history of this country, as we know it factually, has been totally rewritten to the point you would not recognize it. That is unfortunate. We have to continue to work on that issue.

The American Legion has also stepped out on an issue, which according to the people on the Beltway in Washington is not really an issue. That is an amendment to protect the American flag from physical desecration. It is the only symbol that binds us all together. We have many symbols in this country. We have many flags in this country. The American flag is the only symbol that binds us all together. It is the flag for which we have fought. It is the flag for which men and women have died for hundreds of years. It is important.

There is nothing wrong with being patriotic and stepping forward to seek an amendment to protect that flag from physical desecration. Not only is it the right thing to do, it is the proper thing to do. I know that your senators and representatives from Nevada have already stepped forward. You, as a legislature, memorialized it by resolution to the United States Congress some four years ago. You are, I think, the ninth state of the Union to memorialize a resolution to Congress asking them to return an amendment to "we the people." To have an opportunity, or the basic right of a free democracy to vote on the issue. We have not asked Congress, nor will we ask Congress to tell us whether it is good for us or bad for us. The Constitution starts out with the words, "We the people . . ." It does not say, "We the Congress, the Supreme Court, or the President, or the Administration . . ." It says, "We the people." You stepped forward, you voted to support this issue and I am pleased to tell you that, as of this morning, the amendment is in the House and Senate, and the wording is the same. It is an authorizing amendment. It is something different. There is no other amendment to the Constitution that has been drafted like this, nor is there an amendment to the Constitution, currently, which merely authorizes. The amendment basically says that Congress and the several states will have the right to pass legislation to protect the American flag from physical desecration.

As of this morning, the bill will not be introduced in either the Senate or the House until next week, the 14th of March. There are 222 members of the United States House of Representatives and 35 Senators who have signed as co-sponsors before the bill has even been introduced. We are supporting it through a grass roots effort similar to what I mentioned came about back in the 1930s when the VA got in trouble and all VA benefits were wiped out. At that time, a grass roots effort was started and it was successful. The American Legion, some five years ago, began to work for the memorializing of resolutions.

We know this is not a veterans issue, this is not an American Legion issue, so last year we formed what is called a Citizens Flag Alliance. Today, we have 88 organizations, the Moose, the Lions, the Knights of Columbus, Northern and Southern Consistories of the Scottish Rights, labor unions and business organizations. The 88 organizations now total some 28 million people across this country. Eighty percent of the American public polled over a number of years, in four separate Gallop polls, agree with this approach and will vote for such an amendment when it is returned to the states for consideration. We believe that in this 104th Congress, we have an opportunity to finally accomplish this effort. To put back on the books, the necessary legislation to protect the flag which we have all worked so hard for. Some of you may know that the only symbol left on the moon was the American flag. That was the only symbol left on the moon.

I thank you very much for all that you have done for the Veterans of the State of Nevada. I thank you very much for being one of the first states to memorialize the flag resolution to the United States Congress. I thank you for what you continue to do. I thank you for being involved in the political process. It is a noble profession and it is something you should be proud to participate in. I know that I am. Thank you very much for letting me come and visit with you this morning. You have accorded me a great honor.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 6, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 12.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 12.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblyman Evans.

Resolution adopted.

Assemblyman Humke moved that Assembly Bill No. 86 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Humke moved that Assembly Bill No. 86 be taken from the Second Reading File and re-referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bill No. 113.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Cherryl Allard.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Churchill County High School: Ricky Andres, Mike Bacallo, Nancy Bake, Phil Baumgart, Mandy Birtzer, Dee Burks, Alissa Cavato, Jason Cooper, Jennifer Crossland, Aaron Denshire, Bobbi Egger, Melissa Ernst, Alex Galamb, Krista Grigg, Bill Hanrahan, Andrea Harmon, Bobby Kohltfarber, Fred Mangosing, Joe Mikulak, Stephanie Morris, Denea Moyle, Kevin Ruhnau, Amy Sharp, Mike St. Clair, Nadeane Tripp, Angela Veach, Brandon Wing, Danna Tjaden, Michon Baker, Barry Callahan, Callie Chealander, Britt Del Carlo, Glen Downen, Russ Elkins, Sonia Gallegos, Melissa Gray, Trudie Grondin, Gabe Hardin, Todd Hellyar, John Lanning, Sheron Ludlow, Valerie Morris, Natalie Richardson, Sheryl Sanchez, John Simpson, Shauna Taylor, Keesha Topken, Mario Ugalde, Ryan Williams, Carrie Wright, Lisa Bekaris, LaRae Bake, Aimee Banzali, Heather Boyer, Brian Cave, Jerry Craig, Leticia DeMull, Bryann Ellis, Ernie Fisher, Andy Galon, Carrie Green, Gerry Guban, Tim Heywood, Ann Karo, Gabe King, Justin Lawrence, Maria Maldonado, Cori Marine, Lisa Mort, Brandon Naffziger, Addie Penrod, Ruth Puerner, Phil Risi, John Staggs, Jason Stubblefield, Jodie Travers, Adam Vallaster, Amy Wagner, Jared White, Shirley Winder and Cindy Young; teachers Kelly Smith and Gary Lanners.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Del-Ray Martinez.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Susana Hernandez.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Maritza Yoes.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Maret LoGiudice.

Assemblyman Ernaut moved that the Assembly adjourn until Tuesday, March 7, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:24 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTY-FIRST DAY

CARSON CITY (Tuesday), March 7, 1995

Assembly called to order at 11:04 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblyman Lambert, who was excused.

Prayer by the Chaplain, The Reverend Ken De Lyser, Jr.

Almighty God, it is with joy that we enter into another day of life. We thank You for all that life has to offer. We ask today that You would grant those present wisdom to conduct the affairs of this Assembly. Give each of these legislators a sense of purpose, clarity of mind, and a desire to govern with justice and a pure heart. It is in Thy precious name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 292—An Act relating to divorce; providing for the disposition of certain pension or retirement benefits upon dissolution of marriage; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 293—An Act relating to domestic violence; removing references to the county jail as the place of imprisonment for violation of a protective order; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 294—An Act relating to the City of Reno; increasing the number of members of the civil service commission; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 295—An Act relating to public investments; revising certain limitations on the investment of state money; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 296—An Act relating to education; revising provisions governing the distribution of fees collected for the issuance or renewal of licenses for teachers and other educational personnel; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Goldwater, Perkins and Anderson:

Assembly Bill No. 297—An Act relating to juveniles; requiring a juvenile court to order counseling for a child and his parents and to impose a civil penalty on the parents under certain circumstances upon the adjudication of the child as delinquent; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 298—An Act relating to professions; revising the designation for engineers-in-training and land surveyors-in-training; revising the passing grades for the examinations required for registration as professional engineers and land surveyors; authorizing the state board of professional engineers and land surveyors to administer a certain part of the written examination for registration as a professional engineer to persons who are not applicants for registration as professional engineers in this state; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 299—An Act relating to insurance; regulating the provision of health insurance to the employees of certain small employers; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 300—An Act relating to controlled substances; revising certain provisions concerning drug paraphernalia; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 61.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 61:

YEAS—39.

NAYS—Carpenter, Neighbors—2.

Absent—Lambert.

Assembly Bill No. 61 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 216.

Bill read third time.

Remarks by Assemblymen Segerblom, Bache, Harrington, Williams, Anderson, Spitler and Arberry.

Assemblyman Arberry moved that Assembly Bill No. 216 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Alma Whipple and Cal Payne.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to Susie Hult.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Seeliger Elementary School: Brittany Allen, Julian Angres, Brandon Arnett, Nicole Baker, Kaitlin Bauer, Derek Best, Ashly Brown, Kathryn Callister, Matthew Deming, Jennier Draney, Samantha Garver, Robert Giomi, Austin Green, Amelia Jennings, Daniel Kihm, James Knowles, Travis McDonald, Brandon Munoz, Nicholas Rosky, Nicholas Samaras, David Geiger, Christopher Scaffidi, Daniel Schlapkohl, Lisa Dill, Victoria Stone, Sachin Verma, J. J. Walker, Thomas Lovelace, Betsy Carlson, Reece Shelton, Megan Beltrami, Desiree Benish, Amber Brooks, Christiann Bunce, Lindsay Carr, Jennifer Conner, Justin Curry, Katie Dill, Dustin Lewaller, Ann Marie Flamm, Robert Gillings, Tiffany Hawkins, Richard King, Andrew Little, Shawn Meryhew, Daniel Nosse, Marisa Ochoe, Anthony Ramos, Matt Reed, Cristle Newton, Shandi Ruiz, Lucas Russell, Daniel Suppe, Jessica

McGuire, Nick Torgerson, Tiffany Vittaber, Megan Whitaker, Michael Bouteiller, Paul Wilson and Carl Winter; teachers Patricia Armstrong and Elizabeth Beltrami; chaperones Diana Giomi, Theresa Conner and David Park.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Pete L. Bengochea and Joylyn Harmer.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, March 8, 1995 at 11:30 a.m.

Motion carried.

Assembly adjourned at 11:28 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTY-SECOND DAY

CARSON CITY (Wednesday), March 8, 1995

Assembly called to order at 11:34 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Williams, who was excused.

Prayer by the Chaplain, The Reverend Ken Watkins.

Holy Father, Creator of the Heavens and the universe, we come before Your throne seeking mercy and grace, strength and power to do good. Pour Your Spirit upon us this morning. Equip us, enable us, encourage us towards those good works which You have prepared in advance for us to do. Humbly we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 108, Assembly Joint Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Concurrent Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

DAVID HUMKE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 8, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 13.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 2.

Assemblyman Humke moved the adoption of the resolution.

Remarks by Assemblyman Humke.

Resolution adopted.

Senate Joint Resolution No. 13.

Assemblyman Ernaut moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblymen Sandoval and Dini.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SANDOVAL:

Thank you, Mr. Speaker. I stand in support of Senate Joint Resolution No. 13. As a member of the Nevada Bar, I had the opportunity to appear before Judge Thompson only once. However, this brief appearance was enough to command my utmost respect and reinforced what others already believed.

Judge Thompson is truly a legend in Nevada. I can think of no better person after whom the new federal courthouse in Reno should be named. Judge Thompson was a gentleman and a scholar, and to name the new courthouse after him will remind all of us that we should strive to achieve the same high standard of character.

With me today is Judge Thompson's widow, Ellen Thompson, his son Harold Thompson and Coe Swobe, a former member of this House and primary sponsor for the petition to name the courthouse after Judge Thompson. With this, I urge all of you to join me in supporting this resolution. Thank you.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I certainly stand strong in supporting Senate Joint Resolution No. 13. I believe it is time to bring this to a conclusion. Judge Thompson served so many years with distinction and honor. We were all proud of him and the job he did. I would urge everyone in this House to support this resolution. Thank you.

Roll call on Senate Joint Resolution No. 13:

YEAS—41.

NAYS—None.

Absent—Williams.

Senate Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Ernaut moved that all rules be suspended and that Senate Joint Resolution No. 13 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:45 a.m.

ASSEMBLY IN SESSION

At 11:47 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 301—An Act relating to industrial insurance; prohibiting public employers from providing self-insurance against liability for industrial injuries and occupational diseases; repealing the prospective authority of public employers to form associations to provide such self-insurance; and providing other matters properly relating thereto.

Assemblyman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Humke, Anderson, Sandoval, Perkins, Steel, Ohrenschall, Monaghan, Manendo, Goldwater, Schneider, Carpenter, Buckley, Stroth, Chowning, Hettrick, Ernaut, Marvel, Arberry and Freeman:

Assembly Bill No. 302—An Act relating to termination of parental rights; making the best interests of the child the determining factor in cases concerning the termination of parental rights; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Evans, Dini, Anderson, Carpenter, Spitler, Marvel, Hettrick, Arberry, de Braga, Neighbors, Price, Perkins, Sandoval, Buckley, Humke, Chowning, Segerblom, Krenzer, Freeman, Ohrenschall, Manendo, Giunchigliani, Goldwater, Bache, Schneider, Lambert, Williams, Tiffany, Allard and Brower:

Assembly Bill No. 303—An Act relating to education; requiring the state board of education to adopt a program to provide pupils with the skills to make the transition from school to work; making an appropriation; requiring the state board of education to distribute money in the fund for the improvement of occupational education to the various school districts and community colleges; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Manendo, Ohrenschall, Segerblom, Bache, Krenzer, Freeman, Dini, Chowning, Spitler, Monaghan, Close, Nolan, Batten, Buckley, Perkins, Williams, Anderson, de Braga, Steel, Humke, Allard, Ernaut, Hettrick, Price, Schneider, Braunlin, Neighbors and Fettic:

Assembly Bill No. 304—An Act making an appropriation to the state public works board for the construction of a veterans' home in southern Nevada; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen de Braga, Segerblom, Perkins, Sandoval, Batten, Manendo, Evans, Bache, Neighbors, Chowning and Ohrenschall:

Assembly Bill No. 305—An Act relating to civil liability; expanding the immunity from liability granted to persons who distribute, donate or collect food without charge; limiting the liability of certain persons who donate or distribute other grocery products without charge or for a reduced fee; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Dini, de Braga, Neighbors, Carpenter and Marvel:

Assembly Bill No. 306—An Act relating to taxation; providing an exemption for agricultural equipment used to convey water for irrigation; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Humke, Spitler, Manendo, Bennett, Allard, Carpenter, Sandoval, Nolan, Goldwater, Monaghan, Chowning, Anderson, Giunchigliani, Schneider, Price, Krenzer, Perkins, Stroth, Tiffany, Marvel, Fettic, Ohrenschall, Neighbors, Hettrick and Lambert:

Assembly Bill No. 307—An Act relating to wildlife; requiring the division of wildlife of the state department of conservation and natural resources to use money received from fees for the sale or issuance of stamps, tags, permits and licenses for the management of wildlife; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Natural Resources, Agriculture and Mining and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 308—An Act relating to records of criminal history; authorizing the dissemination of such records to certain state and local agencies which provide protective services to children; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Joint Resolution No. 13.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Carson Valley Middle School: Adam Beinschroth, Michael Bellis, T. J. Bond, Keith Brumbly, Paul Carrion, Raul Castillo, Jennifer Colbert, Luke Conklin, Chad Cooke, Cedar Crawford, Katherine Cressaty, Robbie Daie, Christian De La Torre, Nicole Dennison, Mat Ethridge, Amy Ferguson, John Garcia, Natalie Gardner, Chris Gitthens, Jennifer Glick, Wes Happe-Griffiths, Robbie Harris, Chris Heckathorn, Rachel Hellwinkel, Melissa Hook, Matt Howard, Jason Inman, Jake Jansse, Alice Jaramillo, Andrew Jurado, Travis Kenison, Chris Knapp, Steven Lopez, Anthony Martin, Steven McLeod, Jessica Minnoci, Dan O'Donnell, Andrew Patrick, Marci Ramirez, Meghan Riley, Ben Robinson, Jake Robinson, Mary Linn Rodgers, Stefan Rodriquez, Griff Sahlin, Matt Schober, Jessica Schulz, Lulu Sewell, Christopher Shea, Christine Smith, Nick Sorenson, Brenden Sparks, Matt Thomas, Cameron Thomson, David Uemura and Elizabeth Weave; teachers Jerry Falkenstein, Tony Villasenor, Lorna Super and Leonard MacKey; chaperones Pam Carrion, Margaret Ward, Kelley Mendicinni and Denise McLeod.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Ellen Thompson, Harold Thompson and Coe Swobe.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to C. A. Howlett.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to John Miller.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Pyramid Lake High School: Trilby Wahwasuck, Theodore Plummer, Colleen Smith, Marie Frazier, William Lowery, Toby Stump, Shauna Smith, Gordon Hunter, Monica Davis, Joe Smith, Telly DeMarce, Natasha Williams, Joanne Smith, Nathan Dunn, Jason Harris and Vicki Scott; teachers Sherry Parsons and Jim Townzen; chaperones Pam Williams, Veronica Imus and Newman Yellowhair.

Assemblyman Ernaut moved that the Assembly adjourn until Thursday, March 9, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:58 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTY-THIRD DAY

CARSON CITY (Thursday), March 9, 1995

Assembly called to order at 11:21 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblymen Humke and Tiffany, who were excused.

Prayer by the Chaplain, The Reverend Ken De Lyser, Jr.

Almighty God, You have given us another day of life; help us to use it wisely. Give each one in this Assembly a vision of just and caring government. Guide the process of legislation for the benefit of all of Nevada's citizens. Help us to be mindful that all authority comes from You and all the wisdom is found in Your word. In Thy Precious Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

WILLIAM Z. HARRINGTON, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 58, 59, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM Z. HARRINGTON, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 15, 138, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 164, 174, 179; Senate Bill No. 116, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 8, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 157, 166, 167, 228.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 2.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 27 of the 67th Session.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Freeman, Goldwater, de Braga, Ohrenschall, Spitler, Schneider, Bennett, Monaghan, Ernaut, Perkins and Dini:

Assembly Concurrent Resolution No. 13—Recognizing the responsibility of the Nevada Legislature to consider the perspective of children in the development of social policy and the enactment of legislation relating to issues which affect children.

Assemblyman Freeman moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Joint Resolution No. 2.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Joint Resolution No. 27 of the 67th Session.

Assemblyman Perkins moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 309—An Act relating to the public employees' retirement system; reducing the number of years of service required for police officers to be eligible for retirement at any age; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblymen Goldwater, Evans, Buckley, Manendo, Ohrenschall, Sandoval, de Braga, Bennett, Nolan, Krenzer, Steel, Brower, Carpenter, Schneider, Monaghan, Batten, Anderson, Segerblom, Neighbors, Fettic, Braunlin, Perkins, Bache, Giunchigliani, Freeman, Spitler and Williams:

Assembly Bill No. 310—An Act making an appropriation to the aging services division of the department of human resources for the production, publication and distribution of a directory of transportation services for aged and disabled persons; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By Assemblymen Freeman, Goldwater, de Braga, Ohrenschall, Spitler, Schneider, Monaghan, Ernaut, Perkins and Dini:

Assembly Bill No. 311—An Act relating to motor vehicles; requiring the department of motor vehicles and public safety to design and issue license plates for the support of child care services; imposing a fee for the issuance of those license plates to finance certain child care services; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Nolan, de Braga, Segerblom, Stroth, Batten, Sandoval, Ohrenschall, Bennett, Braunlin, Goldwater, Monaghan, Schneider, Anderson, Manendo, Steel, Buckley, Neighbors, Perkins, Williams and Ernaut:

Assembly Bill No. 312—An Act relating to records of criminal history; expanding the definition of "employee" to include volunteers and prospective volunteers for the purposes of provisions relating to inquiries by certain employers regarding the prior sexual offenses of employees; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Dini, Carpenter, de Braga, Ernaut, Hettrick and Neighbors:

Assembly Bill No. 313—An Act relating to actions concerning persons; clarifying the limitation of liability granted to owners, lessees or occupants of any premises for injuries to persons who cross over to public land or participate in recreational activities on those premises; providing an additional exception to the limitation for persons expressly invited to come upon the premises; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Manendo, Bache, Stroth, Schneider, Steel, Sandoval, Harrington, Allard, Chowning, Goldwater, Carpenter, Anderson, Nolan, Brower, Tiffany, Giunchigliani, Segerblom, Fettic, Price, Hettrick, Marvel, Arberry, Close and Williams:

Assembly Bill No. 314—An Act relating to constables; requiring constables to be elected in all townships; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 315—An Act making a supplemental appropriation to the School of Medical Sciences of the University and Community College System of Nevada for unforeseen expenses relating to the Family Practice Residency Program and the Family Medicine Center; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 316—An Act relating to mobile home parks; increasing the maximum amount of the annual fee which may be imposed on each lot in a mobile home park; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 157.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 166.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 167.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 228.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 108.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 15.

Resolution read second time, ordered engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM Z. HARRINGTON, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 33, 127; Senate Bill No. 150, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Harrington moved that Assembly Bill No. 176 be re-referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Concurrent Resolution No. 12.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Ross.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Sheryl Overland.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to David Rovetti.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Carol and John Rowlands.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Ron Greenawalt and John K. Rhodes.

On request of Assemblyman Monaghan, the privilege of the floor of the Assembly Chamber for this day was extended to David Gillum.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Forbes.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Hallgren.

Assemblyman Perkins moved that the Assembly adjourn until Friday, March 10, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:46 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTY-FOURTH DAY

CARSON CITY (Friday), March 10, 1995

Assembly called to order at 11:04 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Jeff Watkins.

Almighty God, we give You thanks this morning, not only for this rain, but for all things. We praise Your goodness and Your mercy. We ask that You be present during these proceedings; that You guide our consciences that we may show the same love to our fellow man that You have shown to us through Your Son and through the beauty of Your creation. We humbly pray in His Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

JACK CLOSE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 188, 190, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 108.

Bill read third time.

Remarks by Assemblymen Stroth, Perkins, Evans, Humke and Arberry.

Roll call on Assembly Bill No. 108:

YEAS—41.

NAYS—None.

Not voting—Williams.

Assembly Bill No. 108 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 15.

Resolution read third time.

Remarks by Assemblymen Perkins, Price, Anderson, Carpenter, Giunchigliani, Humke and Buckley.

Assemblymen Buckley, Ernaut and Marvel moved the previous question.

Motion carried.

The question being on the passage of Assembly Joint Resolution No. 15.

Roll call on Assembly Joint Resolution No. 15:

YEAS—41.

NAYS—Carpenter.

Assembly Joint Resolution No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 7.

Resolution read.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 52.

Amend the resolution, page 1, line 10, by deleting the period and inserting: "*by its house of origin.*".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Resolution ordered reprinted and engrossed.

By the Committee on Education:

Assembly Concurrent Resolution No. 14—Encouraging employers to allow leave without pay for employees to attend and participate in school-related activities and to provide procedure for school to contact a parent at work in the case of an emergency involving the child.

Assemblyman Williams moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 317—An Act relating to the judicial system; making various changes regarding the certification of juveniles for trial as adults; making various other changes to proceedings in juvenile court; creating the commission on sentencing; revising the provisions governing the alternatives for court action upon the arrest of a probationer; providing a penalty for certain convicted habitually violent felons; prohibiting the state board of pardons commissioners from commuting a sentence of death or sentence of life imprisonment without the possibility of parole to a sentence allowing parole; extending the limit on the time for rehearing following the denial of certain applications for parole; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 318—An Act relating to administrative assessments; increasing the amount of administrative assessments for misdemeanors; limiting the county's use of the additional proceeds to costs relating to the provision of detention facilities; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 319—An Act relating to juveniles; providing for appointment of public defender in delinquency cases under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 320—An Act relating to jails; authorizing the sheriff or officer in charge to refuse to receive into custody arrested persons under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Spitler, Bache, Price, Goldwater, Segerblom, Ohrenschall, Freeman, Schneider, Krenzer, Giunchigliani, Buckley, Manendo, Perkins and Monaghan:

Assembly Bill No. 321—An Act relating to resident agents; making it unlawful for a commercial resident agent to engage in certain activities without obtaining a license from the secretary of state; requiring the secretary of state to administer complaints received concerning the activities of resident agents and commercial resident agents; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Bache, Price, Goldwater, Segerblom, Ohrenschall, Freeman, Krenzer, Schneider, Giunchigliani, Buckley, Manendo, Perkins, Steel, Stroth, Monaghan and Humke:

Assembly Bill No. 322—An Act relating to amusement rides; requiring the approval of the division of industrial relations of the department of business and industry to construct certain amusement rides; requiring a permit issued by the division to operate such rides; authorizing fees for the

issuance of permits and the performance of inspections by the division; providing for the revocation and suspension of such permits; authorizing administrative fines; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Anderson, Bache, Price, Goldwater, Segerblom, Ohrenschall, Nolan, Freeman, Schneider, Krenzer, Sandoval, Giunchigliani, Allard, Buckley, Carpenter, Manendo, Perkins, Steel, Stroth, Monaghan and Humke:

Assembly Bill No. 323—An Act relating to domestic violence; allowing local law enforcement agencies to issue an emergency temporary order for protection against domestic violence under certain circumstances; providing a penalty for violating the order; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 7.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 15.

Bill read second time.

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

Amendment No. 20.

Amend section 1, page 1, line 2, by deleting "[2,] *3,*" and inserting "2,".

Amend section 1, page 1, by deleting line 4 and inserting: "tative, [the] *all* officers and employees of the agencies [to be audited] *of the state*".

Amend section 1, page 1, by deleting lines 7 through 13 and inserting: "possession or control of the agency [.] *which are necessary, irrespective of their form or location in performing authorized audits. The limita-*".

Amend section 1, page 1, line 17, by deleting "*3.*" and inserting "2.".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 33.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 127.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 138.

Bill read second time.

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

Amendment No. 66.

Amend section 1, page 1, by deleting lines 19 through 21 and inserting:

"2. *The provisions of chapters 332 and 339 of NRS do not apply to a contract under which a private developer extends a sewer main to his development or installs any appurtenances to that extension. Except as otherwise provided in this subsection, the provisions of chapter 338 do not apply to such a contract. If the developer does not pay all of the initial construction costs of the extension, the provisions of NRS 338.013 to 338.090, inclusive, apply to the contract.*".

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

"Sec. 2. NRS 318.144 is hereby amended to read as follows:

318.144 *1.* The board may acquire, construct, reconstruct, improve, extend or better a works, system or facilities for the supply, storage and distribution of water for private and public purposes.

2. The provisions of chapters 332 and 339 of NRS do not apply to a contract under which a private developer constructs water facilities for his development. Except as otherwise provided in this subsection, the provisions of chapter 338 do not apply to such a contract. If the developer does not pay all of the initial construction costs of the facility, the provisions of NRS 338.013 to 338.090, inclusive, apply to the contract.

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

Amend the title of the bill, lines 2 and 3, by deleting: "repealing the requirement for mailing and recording notice of a lien for unpaid rates, tolls or charges;".

Amend the summary of the bill to read as follows:

"Summary—Exempts certain arrangements by general improvement districts with private developers from certain laws governing public contracts. (BDR 25-183)".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 164.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 174.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 179.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 58.

Bill read second time and ordered to third reading.

Senate Bill No. 59.

Bill read second time and ordered to third reading.

Senate Bill No. 116.
Bill read second time and ordered to third reading.

Senate Bill No. 150.
Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Joi Davis.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Bess Manuel.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Vallea Rose.

Assemblyman Ernaut moved that the Assembly adjourn until Monday, March 13, 1995 at 11 a.m.
Motion carried.

Assembly adjourned at 11:46 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTY-SEVENTH DAY

CARSON CITY (Monday), March 13, 1995

Assembly called to order at 11:06 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

O Father of Lights, with whom there is no variation, or shifting shadows, we are grateful that You have caused light to shine forth into the darkness. Your Word is a lamp to our feet and a light to our path. May Your guiding light be shed upon these representatives of the citizenry of Nevada, enabling them to see clearly and perform well the tasks before them this day. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 28, has had the same under consideration, and begs leave to report the same back without recommendation and re-refer to the Committee on Ways and Means.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 7.

Assemblyman Spitler moved the adoption of the resolution.

Remarks by Assemblyman Spitler.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Carpenter:

Assembly Bill No. 324—An Act relating to minors; allowing disclosure of certain information concerning a child who is charged with committing certain delinquent acts; requiring certain proceedings of the juvenile court to be open to the public; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 325—An Act making a supplemental appropriation to the department of prisons for an unexpected increase in incarcerated offenders; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Segerblom, Anderson, Schneider, Giunchigliani, Krenzer, Nolan, Spitler, Chowning, Williams, Ohrenschall, Neighbors, Perkins, Dini, de Braga, Sandoval, Buckley, Carpenter, Arberry, Manendo, Bache, Fettic and Batten:

Assembly Bill No. 326—An Act making an appropriation from the state highway fund to the department of motor vehicles and public safety for the establishment and maintenance of a branch office in Laughlin; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Lambert (by request):

Assembly Bill No. 327—An Act relating to public employment; authorizing a leave of absence for certain public officers or employees to assist the American National Red Cross during certain disasters; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Dini, Evans, Perkins, Bache, Buckley, Price, de Braga, Neighbors, Carpenter, Segerblom, Arberry, Ohrenschall, Manendo, Freeman, Williams, Ernaut, Fettic, Marvel, Tripple, Monaghan, Lambert, Giunchigliani, Close, Nolan, Bennett, Goldwater, Steel, Schneider, Harrington, Stroth, Allard, Anderson, Humke, Chowning, Batten, Spitler, Sandoval, Tiffany, Brower and Braunlin:

Assembly Bill No. 328—An Act relating to retired public employees; providing an annual period of open enrollment during which certain public employees may join the state's program of group insurance; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Giunchigliani:

Assembly Bill No. 329—An Act relating to psychologists; requiring the board of psychological examiners to issue licenses without examination to certain persons employed by the State of Nevada as psychologists; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 188.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 190.

Bill read second time, ordered engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 7:

YEAS—42.

NAYS—None.

Assembly Bill No. 7 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 33.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Assembly Bill No. 33:

YEAS—42.

NAYS—None.

Assembly Bill No. 33 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 127.

Bill read third time.

Remarks by Assemblyman Fettic.

Roll call on Assembly Bill No. 127:

YEAS—38.

NAYS—Goldwater, Monaghan, Ohrenschall, Spitler—4.

Assembly Bill No. 127 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 164.

Bill read third time.

Remarks by Assemblymen Bache and Price.

Roll call on Assembly Bill No. 164:

YEAS—40.

NAYS—Anderson, Carpenter—2.

Assembly Bill No. 164 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 174.

Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 174:
YEAS—41.
NAYS—Brower.

Assembly Bill No. 174 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 179.
Bill read third time.
Remarks by Assemblymen Segerblom, Arberry, Lambert, Giunchigliani and Neighbors.
Roll call on Assembly Bill No. 179:
YEAS—41.
NAYS—Price.

Assembly Bill No. 179 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 58.
Bill read third time.
Remarks by Assemblyman Tripple.
Roll call on Senate Bill No. 58:
YEAS—42.
NAYS—None.

Senate Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 59.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Senate Bill No. 59:
YEAS—41.
NAYS—Chowning.

Senate Bill No. 59 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 116.
Bill read third time.
Remarks by Assemblyman Neighbors.
Roll call on Senate Bill No. 116:
YEAS—42.
NAYS—None.

Senate Bill No. 116 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 150.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 150:

YEAS—42.

NAYS—None.

Senate Bill No. 150 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 11:50 a.m.

Madam Speaker pro Tempore Evans presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 129, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 146, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 13, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 13.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 13.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini and Anderson.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Madam Speaker pro Tempore and Members of the Assembly, Bill Marks was a man that I became acquainted with in the early 1970s. Mr. Marks was a funny man. He was the

epitome of a man who was a fair shaker and always took care of his community first. He was born in Virginia City, graduated from that beautiful school, the Fourth Ward School, that we have been trying to preserve for the past 35 years.

He also graduated from the University of Nevada, Reno. Bill served in the Air Force during World War II. He was a county commissioner in Virginia City where he served 17 years with a distinguished record of being a fair commissioner. He was a devout Catholic, and one of his favorite things was the preservation of St. Mary's Catholic Church. He was also the supervisor of our bill room for a long time.

We had a tradition on St. Patrick's Day for Bill to come down on the floor in his Irish costume and sing a few Irish ditties for us. Today, we are fortunate to have Monte Fast here to sing one for old time's sake for Bill. I think it would be appropriate for us to do that.

When Bill passed away, unfortunately, I was in Hawaii and did not get back until after the services were over. I've been a very close family friend to Bill, his wife and daughters and I know we want to extend our sympathy to them on behalf of the Assembly. His passing was a tragic day for the people of Virginia City and for the people throughout the state who knew him as the kind person he was and the graciousness that he presented to all of us. Thank you, very much.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I, too, want to rise in support of this resolution for Bill Marks.

Bill was a fraternity brother of mine. More importantly, he was a genuine human being who cared a great deal for the legislative process and also for having a good time. I'm sure all of us can tell wonderful stories about him standing in front of this body and singing. But, I remember him on a night in Virginia City, when I asked for a particular Irish whiskey that I was fond of. He went into the basement and opened up the trap door to go deep into the cellar to get the whiskey, as he was that kind of man. He wanted everyone to have a good time. He will be greatly missed. He cared a great deal about life and about things that really counted. A real Nevadan.

Resolution adopted.

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing an Irish ballad sung by Monte Fast in memory of Bill Marks.

Assembly in recess at 11:58 a.m.

ASSEMBLY IN SESSION

At 11:59 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

By Assemblymen Anderson, Allard, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Humke, Krenzer, Manendo, Marvel, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple, Dini and Hettrick:

Assembly Concurrent Resolution No. 15—Commending the Nevada School Food Service Association for its public service regarding public nutrition.

WHEREAS, In 1946, Congress enacted the National School Lunch Act which appropriated money to states on a matching basis to provide a school lunch program; and

WHEREAS, Currently within the State of Nevada over 111,646 breakfast and lunch meals are served daily to pupils in kindergarten and grades 1 through 12; and

WHEREAS, Pupils who are eligible for assistance represent 51.4 percent of the school lunch meals served and 74.1 percent of the breakfast meals served; and

WHEREAS, These figures are projected to increase in the future because of the large number of families moving to Nevada; and

WHEREAS, The Department of Education of the State of Nevada oversees the Child Nutrition Programs which administer six federal programs that are entirely supported by the United States Department of Agriculture; and

WHEREAS, The Nevada School Food Service Association is also responsible for providing training for school nutrition personnel, providing continuing education classes on nutrition for teachers, developing promotional materials and disseminating scientifically valid information to teachers, parents, school food service personnel and children; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature commend the Nevada School Food Service Association for their commitment and dedication in providing the children of Nevada nutritionally complete breakfast and lunch meals; and be it further

RESOLVED, That this legislative body is grateful and appreciative to the Nevada School Food Service Association for their efforts in the successful dissemination of nutritional information to all persons involved in the health of our children; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Sandy Ewert, President of the Nevada School Food Service Association.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Resolution adopted.

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

Assembly in recess at 12:05 p.m.

ASSEMBLY IN SESSION

At 12:13 p.m.

Speaker Dini presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRIS GIUNCHIGLIANI, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Resolution No. 5.

Resolution read.

Assemblyman Giunchigliani moved that Assembly Resolution No. 5 be placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Chowning moved that Assembly Bill No. 28 be re-referred to the Committee on Ways and Means.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Eddie Oryem and Janice Schrader.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Krolicki, Tahnya Ballard and the following students of Carson Valley Middle School: Matt Knesek, Rosie Contri, Kelly McNeill, Taya Willden, Mike Taylor, Jenni Smith, Kyle Miller, Cody Marcum, Molly Mott, Amber Dockstader, Kevin Sharp, Kevin Orput, Maja Rogney, Aaron Smith, Loren Uber, Kim Jordan, Rebecca Rippee, Jessica Lang, Jennifer Kern, Melissa Cosentino, Lorraine Pruszka, Shane Forster, Megan Gilstrap, Shannon Ramsey, Jeremy Chandler, Kristen Millard, Jacob Kallman, Greg Leonard, John Genzler, Jessica Lamb, Kiera Angues, Andrea Gastelum, Tiffany Brown, Matt Norberg, Rina Sullivan, Erik Engle, Jill Cressaty, Josh Essman, Jessica Garrison, Jeremiah Williamson, Mike Burchett, Jason Thompson, Frank Roza, Megan Vickers, Kelly Mogab, Ben Johnson, James Castro, Jessica Kenison, Trisha Korman, Brandon Hinsz, Jeremy Peters, Elizabeth Brown, Courtney Linderman, Dawn Michelson, Katie Koepnick, Jenny Giang, Melissa Vickers, Jazz Aldrich, Angie Arraiz, Lindsay Sagers, Erin Bell, Sarah Frisbie, Javier De la Torre, Dana Nelson, Mark Lobretto, Kristy McCrosky, Leiah Hedgecock, Lynette Patino, Tiffany Frankovich, Darrell Johnson, Matt Whitwam, Nicole Wixon, Heather Unander, Lauren Olivas, Breanne Breuer, Casey Clink, Katie Noah, Levi Shoda, Jenelle McNulty, Justin Chandler and Monty Guthrie; teacher Eric J. Feeney; chaperones Lin Nooner, Jay Aldrich, Barb Keosababian, Frank Patino and Nancy Kenison.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Madonna Long.

On request of Assemblyman Monaghan, the privilege of the floor of the Assembly Chamber for this day was extended to Kenny Treichel.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Beggernt and Liliam Hickey.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Michelle Green.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Mary E. Witti and LaRae Bunting-Kumarelas.

On request of Assemblyman Steel, the privilege of the floor of the Assembly Chamber for this day was extended to Theresa L. Jackson.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Jan Edwards.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, March 14, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:25 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTY-EIGHTH DAY

CARSON CITY (Tuesday), March 14, 1995

Assembly called to order at 11:07 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Lance Whitehurst.

Let us pray: Father, we stand before You as mere men and women. Give us divine guidance in the way You would have us use today. Help this Assembly to be able to put any differences that may exist aside and be able to make wise decisions in Your sight. Bless their time together. In the Name of Your Son. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 166, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 63, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA TIFFANY, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 13, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 66.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 1.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 4.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 4.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Education.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 330—An Act relating to health care; extending the date for the prospective expiration of certain provisions that limit the increase in charges that a major hospital may impose; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Dini and Spitler:

Assembly Bill No. 331—An Act relating to insurance fraud; creating a fraud control unit for insurance within the office of the attorney general; transferring the duties for investigating insurance fraud from the commissioner of insurance of the division of insurance of the department of business and industry to the fraud control unit; authorizing the fraud control unit to issue subpoenas to obtain documents relating to such an investigation; revising the manner in which assessments collected to pay for the costs of the fraud control unit are calculated; increasing the maximum amount of such an assessment; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Concurrent Committees on Commerce and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 129.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 98.

Amend section 1, page 1, line 3, by deleting "$44,024" and inserting "$5,603".

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

"Sec. 2. There is hereby appropriated from the state general fund to the office of the director of the state department of conservation and natural resources the sum of $33,145 for additional staff and equipment for the state administrative office. This appropriation is supplemental to that made by section 24 of chapter 350, Statutes of Nevada 1993, at page 1120.".

Amend the title of the bill to read as follows:

"An Act making supplemental appropriations to the state department of conservation and natural resources for additional staff and equipment for the state administrative offices of the division of forestry and the office of the director; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes supplemental appropriations to state department of conservation and natural resources for additional staff and equipment for state administrative offices. (BDR S-1478)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 146.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 102.

Amend section 1, page 1, line 2, by deleting "$1,706,672" and inserting "$2,106,672".

Amend section 1, page 1, line 6, by deleting "$1,104,000" and inserting "$1,504,000".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 15 be taken from the General File and re-referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 138.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 138:

YEAS—42.

NAYS—None.

Assembly Bill No. 138 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 188.

Bill read third time.

Remarks by Assemblyman Braunlin.

Roll call on Assembly Bill No. 188:

YEAS—40.

NAYS—None.

Not voting—Lambert, Spitler—2.

Assembly Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 190.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 190:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Sandy Ewert, Debra Merzel, Ellen Leppa, Susan Frish and Pat Marble.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to John Parmenter, Rachel Premo and Kelly Bridegum.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Florence McClure.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Margaret Metternesh, Arleen Oakes and Andra Farmer.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to David Strongin, Faren B. Baltazar and Elvira Baltazar.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to Jamie Bridegum, Doug Brooks and Andrew Nixdorf.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Claudia Hoffer.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Norma Cox.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Shanna Sparks and Stephanie Lewis.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Chad Sheldrew, Joe Birchill and Dan Reynolds.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara S. Crowell.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Tara Wilkersin and Todd Black.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Mike Sheldrew, Stephen Weynck and Jenna Walls.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Brooks and Britt Armstrong.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Sheila Portillo and Blanche Zucker-Bozarth.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Demel, Amy Martin and Kevin Boschult.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Diane Williams.

Assemblyman Ernaut moved that the Assembly adjourn until Wednesday, March 15, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:40 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE FIFTY-NINTH DAY

CARSON CITY (Wednesday), March 15, 1995

Assembly called to order at 11:07 a.m.

Madam Speaker pro Tempore Evans presiding.

Roll called.

All present except Assemblymen Dini and Hettrick, who were excused.

Prayer by the Chaplain, The Reverend Ken Haskins.

O Prince of Peace, You have ordained government because You are not a God of disorder, but of peace. Bless these servants of Yours who give themselves to the task of drafting and enacting laws that will provide for a more orderly, peaceful and prosperous society. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Joint Resolution No. 2 of the 67th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Ernaut (by request):

Assembly Bill No. 332—An Act relating to counties; creating a new county; defining its boundaries and establishing a county seat; making it the tenth judicial district; requiring an apportionment of assets and liabilities; providing for its representation in the state legislature and membership in certain public agencies; providing annual salaries for its officers; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 333—An Act relating to the vehicle privilege tax; requiring the tax to be based on the market value of the vehicle; repealing the schedules by which a vehicle must be depreciated by the department of motor vehicles and public safety; requiring the department to adopt certain regulations for determining the market value of a vehicle; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 334—An Act relating to motor carriers; clarifying the authority of the public service commission of Nevada to revoke or suspend the certificate of public convenience and necessity of a common motor carrier for failure to comply with certain laws or regulations; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 335—An Act relating to motor carriers; repealing the authority of the public service commission of Nevada to regulate for licensing purposes private motor carriers of property when used for private commercial enterprises on the highways; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 336—An Act relating to municipal airports; authorizing the governing body of a municipality to purchase property for the future use or development of a municipal airport; establishing the circumstances under which such property may be purchased; clarifying the authority of a municipality to acquire property that is affected by noise created by a municipal airport; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 337—An Act relating to county business licenses; revising provisions requiring an affidavit for the issuance of a license; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 338—An Act relating to court fees; removing the restriction that certain fees imposed by justices' courts be used only for costs related to the annual estimate of the population of townships; removing the authority of the director of the department of taxation to refund the surplus of such fees for credit to the county general fund; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Bache, Buckley, Anderson, Lambert, Spitler, Humke, Chowning, Giunchigliani, Sandoval, Perkins, Manendo, Ernaut, Evans, Dini, Hettrick, Neighbors, Freeman, Price, Ohrenschall, Carpenter, Goldwater, Schneider, Segerblom, de Braga, Braunlin, Krenzer, Close, Marvel and Tiffany:

Assembly Bill No. 339—An Act relating to sentencing; revising the provisions governing good time credits for certain offenders; requiring certain offenders to serve a specific percentage of their sentences before being eligible for parole; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 63.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 88.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 49.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. 1. There is hereby appropriated from the state general fund to the administrator of the courts of the Second Judicial District of the State of Nevada the sum of $100,000 for the establishment of a program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580.

2. If the courts of the Second Judicial District do not establish a program pursuant to NRS 453.580 on or before October 1, 1995, the money appropriated pursuant to this section reverts to the state general fund.".

Amend sec. 2, page 1, by deleting line 9 and inserting:

"Sec. 3. Any remaining balances of the appropriations made by section 1 or 2 of".

Amend the title of the bill to read as follows:

"An Act making appropriations to certain judicial districts for programs of treatment for the abuse of alcohol or drugs; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriations to certain judicial districts for programs of treatment for abuse of alcohol or drugs. (BDR S-238)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 166.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 78.

Amend sec. 2, page 1, line 17, by deleting: "on July 1, 1995." and inserting: "upon passage and approval.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Madam Speaker pro Tempore announced that United States Representative Barbara Vucanovich's address to the Joint Session has been changed from April 24, 1995 at 11:30 a.m. to April 19, 1995 at 11:30 a.m.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 66; Assembly Concurrent Resolution No. 1.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Schebler.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Julia D. Woodard.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Larson.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Scribner.

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Jydstrup and Terry Murphy.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Strand.

On request of Assemblyman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothy Courlemarche.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Greta Stock.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Yvonne Madrid.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Ramon Dominguez.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to David Arthurs and Gaylea Manning.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Yvonne Shaw, Sandy Curtis and the following students of Virginia City High School: Lisa Dickman, James Dyer, David Johnson, Andy Jorgensen, Joe Kamman, Keri Nevin, Joe Romero, Wynter Saks, Sarah Seaton, Dene White, Thomas Lay, Dave Nair, Zach Larkin, Chris Arnold, Misty Dew, Bill Duvall, Valerie Fox, Kiersten Gladding, Amber Hardy, Sean Bonar, Ira Crandall, Promise Helton, Peggy Reutzel, Denise White and Nichole Carl and teacher Toni Compston.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie Waroway.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Stiles.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Vickie Cannon.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Ralston.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Nicolette Doiron.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Dale Blake.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Ruben Murillo.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Rosch.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Linn.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Gretchen Johnson.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Newman.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Janet Andrews and Terry Hickman.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to David Linn.

On request of Assemblyman Stroth, the privilege of the floor of the Assembly Chamber for this day was extended to Carroll Mueller.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Little.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Roger Warren and Maryann Warren.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Smith and Greta Peay.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, March 16, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:46 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTIETH DAY

CARSON CITY (Thursday), March 16, 1995

Assembly called to order at 11:05 a.m.

Madam Speaker pro Tempore Tiffany presiding.

Roll called.

All present except Assemblymen Dini, Hettrick and Humke, who were excused.

Prayer by the Chaplain, The Reverend Lance Whitehurst.

Let us pray: Heavenly Father, thank You for allowing us to live in such a good land where the people are allowed to elect the leaders of their state and country. As I stand before the leaders of this state today, I pray that You will be with them and guide and direct them to do the duties that they were elected to do in a way that is true and pleasing to You and a benefit to the state. In Your Precious Son's Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 15, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 15.

MARY JO MONGELLI
Assistant Secretary of the Senate

Madam Speaker pro Tempore announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing musical renditions by the Incline Village Elementary School Honor Choir.

Assembly in recess at 11:10 a.m.

ASSEMBLY IN SESSION

At 11:25 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bills Nos. 63, 129; Senate Bill No. 146 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 126; Senate Bill No. 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Harrington, Nolan, Lambert, Monaghan, Bennett, Stroth, Tiffany, Hettrick, Carpenter, Close, Fettic, Allard and Tripple:

Assembly Bill No. 340—An Act relating to education; authorizing certain private schools to obtain payments from county school districts for educating certain pupils; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 341—An Act relating to trustees of school districts; providing that a member of the board of trustees of a school district may not be excluded from any group insurance or coverage for medical service or hospital care that is offered by the school district to its officers and employees; allowing certain trustees upon the expiration of their terms of office to continue such group insurance or join the state's program of group insurance; providing a period during which certain former trustees may elect to join the state's program of group insurance; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Spitler:

Assembly Bill No. 342—An Act relating to state financial administration; prohibiting the consideration of any unobligated money of a school district as a revenue source in the preparation of the state budget; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 343—An Act relating to subdivided land; authorizing the administrator of the real estate division of the department of business and industry to impose a fine or suspend, revoke or place conditions upon the permit of a developer for engaging in certain conduct; authorizing the administrator to enter into an agreement with a developer to discontinue activities not in compliance with certain laws in lieu of issuing an order to cease and desist; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 344—An Act relating to real estate licensees; authorizing the establishment by regulation of fees for certain examinations for licensure; increasing the authority of the real estate commission concerning courses of continuing education for licensees; revising certain requirements concerning the maintenance of records relating to licensees; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 345—An Act relating to the City of Henderson; revising provisions governing the sale, lease or exchange of its land; revising obsolete reference to Nevada racing commission; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 346—An Act relating to public employment; authorizing the state industrial insurance system to certify the qualifications of persons with disabilities for temporary limited appointments to certain state employment; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 347—An Act making an appropriation to the Lied Discovery Children's Museum for the support of programs designed to assist children who are at risk of becoming delinquent; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 348—An Act making an appropriation to the City of North Las Vegas for the costs of relocating the residents of Windsor Park whose homes are sinking; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 349—An Act making an appropriation to the state public works board for the architectural design of a new legislative building in Clark County; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 350—An Act relating to county school districts; limiting the use of money raised for capital projects of school districts in certain circumstances; requiring the inclusion of information regarding the fund for capital projects in the annual budget report of school districts; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 351—An Act making an appropriation to the City of Las Vegas for the California-Nevada Super Speed Ground Transportation Commission; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Joint Resolution No. 2 of the 67th Session.

Resolution read second time, ordered engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bills Nos. 58, 59, 116, 150; Senate Concurrent Resolution No. 13.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Gene Porter.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Liston.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Gabe Burke.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Glenn Duncan Elementary School: Rosa Miguel, Nathan Butler, Bill Hamlin, Belene Ruiz, Seni Finsu, Terian Holyfield, Grace Mate, Angela Powell, Bree Rende, Antony Riley, Sonia Lopez, Jessica Ruano, Anne

Balili, Ben Chaney, Sandra Cruz, Alex Flores, Samantha Knapp, Jose Manzo, Veronica Martinez, Moris Melgar, Bernardo Mendoza, Tupou Moala, Ula Moala, Renei Ngaue, Omar Ordaz, Adrian Ramirez, Latoya Roberson, Cecelia Rosales, Juanita Segoviano, Ashley Thacker, Taniela Tuamoeloa, Richard Verduzco, Donnie Wilkins, Georgina Becerra, Mauricio Becerra, Esmeralda Perez, Adriana Agullar, Billy Brunson, Andres Cuevas, Danielle Dennis, Rickey Dolley, Leah English, Jefferey Fontanilla, Amie Frank, Ricardo Fuentes, Clara Garcia, Natalie Horlacher, Edith Hoertado, Emmanuel Jacinto, Juan Jimenez, Suli Kofutua, Linda Lautaha, Vincente Lopez, Maribel Martinez, Erica McCall, Herberto Perez, Andres Pineda, Raevonne Pintor-Martinez, Sherry Rodriquez, Malcom Rodriquez, Lusiola Tuamoheloa, Taurn Weaver, Victor Majano, Rhea Aujero, Christie L. Arrive, Juanita L. Barajas, Stoney R. Clark, Latrice M. Craig, Meekala M. Evans, John H. Hernandez, Oswalt E. Herrera, Lupetea E. Hingano, Rocio Hurtado, Danielle N. Idland, Sailosi A. Latu, Jose L. Marin, Arturo Marquez, Shelby A. Nakaya, Roseanne Nebres, Claudia Pacheco, Donna Padilla, Christopher Powell, Lyndon B. Powell II, Maria D. Silva, John D. Soi, Joshua A. Wilkins, Albert Sotelo, Nancy Jacinto, Isella Jacinto, Justo Jacinto, Tamara M. Armendariz, Sandeep K. Bains, Leshanne M. Batalon, Katherine H. Cirino, Jamie L. Cooper, Hilda V. Fuentes, Miguel A. Guillen, Terry Holyfield, Fernando G. Huizar, Joanna L. Hunter, Abraham F. Jacinto, Judy Lara, Erik Lopez, Gin-Rose Nebres, Ricky J. Ngaue, Blanca A. Orozco, Maribell F. Pineda, Gloria P. Ponce, Mele T. Puloka, Yaguelina J. Reyes, Nora M. Tau, Zorella Thurman, Daphne Truamoheloa, Diego Valdez and Rogelio A. Zuniga; teachers Ms. Swanberg, Ms. Marshall, Ms. Esmeralda, Ms. Perez, Mrs. Cerruti and Mrs. Anderson; chaperone Mr. Roberson.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Rick and Brian Blakemore.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Valerie Coplin.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Rusty Nennert and Patricia Brown.

Assemblyman Ernaut moved that the Assembly adjourn until Friday, March 17, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:42 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTY-FIRST DAY

CARSON CITY (Friday), March 17, 1995

Assembly called to order at 11:05 a.m.

Madam Speaker pro Tempore Evans presiding.

Roll called.

All present except Assemblymen Arberry, Carpenter, Dini, Hettrick, Humke, Monaghan, Steel and Williams, who were excused.

Prayer by the Chaplain, The Reverend Gary Bowers.

Father in Heaven, we call upon You at this time to ask Your guidance as the members of this Assembly gather to make decisions that affect people all over Nevada.

Lord, it is by Your decree that our government officials meet and decide what is best for the people who have chosen to live in this beautiful state.

Father, we pray for Your guidance as these officials meet. Be with each individual here, Lord, that the decisions that are made will benefit the people and bring glory to Your Name.

In the name of the One who was sacrificed for us. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 109, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

THOMAS BATTEN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Giunchigliani:

Assembly Concurrent Resolution No. 16—Commending the members of the chiropractic profession upon their centennial celebration.

WHEREAS, The chiropractic profession was founded in Davenport, Iowa, on September 18, 1895; and

WHEREAS, On this date the first chiropractic adjustment was performed in an office building on a janitor named Harvey Lillard; and

WHEREAS, One hundred years later, the chiropractic profession is now recognized by the Congress of the United States which has included chiropractic care under Medicare and authorized the commissioning of chiropractors as officers in the military; and

WHEREAS, The chiropractic profession is practiced throughout the world, including 50,000 chiropractic physicians throughout the United States; and

WHEREAS, With this unprecedented growth, there has been a broadening acceptance of the benefits of chiropractic health care by the public and the health care community; and

WHEREAS, According to health care experts, as many as 80 percent of Americans will suffer back pain at some point in their lives; and

WHEREAS, Lower back pain is the most common health complaint experienced by working Americans today; and

WHEREAS, For many Americans who suffer from lower back pain, chiropractic care is a natural method of alleviating pain that does not require the use of drugs or surgery; and

WHEREAS, Chiropractors around the country have made and continue to make a significant contribution to the health and welfare of many people whose lives would not be the same without their services; and

WHEREAS, On March 18, 1995, members of the chiropractic profession will gather in Las Vegas to honor those dedicated to enhancing the quality of life of the residents of Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That members of the 68th session of the Nevada Legislature do hereby commend the members of the chiropractic profession for their dedication and expertise in their profession; and be it further

RESOLVED, That the Nevada Legislature extends its appreciation to these devoted professionals as they celebrate 100 years of the chiropractic profession; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Jeffrey D. Andrews, President of the Nevada State Board of Chiropractic Examiners.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 16 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblyman Batten: Assembly Joint Resolution No. 24—Proposing to amend the constitution of the State of Nevada to provide for the election of the chief justice by the justices of the supreme court.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That sections 3 and 19 of article 6 of the constitution of the State of Nevada be amended to read respectively as follows:

[Sec:] *Sec.* 3. The Justices of the Supreme Court, shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of Six Years from and including the first Monday of January next succeeding their election; [Provided,] *provided,* that there shall be elected, at the first election under this Constitution, Three Justices of the Supreme Court who shall hold Office from and including the first Monday of December AD. Eighteen hundred and Sixty four, and continue in Office thereafter, Two, Four and Six Years respectively, from and including the first Monday of January next [suceeding] *succeeding* their election. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine by lot, the term of Office each shall fill, and the Justice drawing the shortest term shall be Chief Justice . [, and after the expiration of his term, the one having the next shortest term shall be Chief Justice, after which the Senior Justice in Commission shall be Chief Justice; and in case the commission of any two or more of said Justices shall bear the same date, they shall determine by lot, who shall be Chief Justice.]

Sec. 19. 1. *The chief justice must be selected from among the justices of the supreme court by a majority vote of the justices. The term of office of chief justice is 4 years. A justice may succeed himself as chief justice.*

2. *A justice may resign the office of chief justice without resigning from the office of justice of the supreme court.*

3. If a vacancy in the office of chief justice occurs, the justices of the supreme court shall, by majority vote, select from among the justices another chief justice to fill the vacancy for the unexpired term.

4. The chief justice is the administrative head of the court system. Subject to such rules as the supreme court may adopt, the chief justice may:

(a) Apportion the work of the supreme court among justices.

(b) Assign district judges to assist in other judicial districts or to specialized functions which may be established by law.

(c) Recall to active service any retired justice or judge of the court system who consents to such recall and who has not been removed or retired for cause or defeated for retention in office, and may assign him to appropriate temporary duty within the court system.

[2.] *5.* In the absence or temporary disability of the chief justice, the associate justice senior in commission shall act as chief justice.

[3. This section becomes effective July 1, 1977.]

6. The provisions of this section pertaining to the selection of a chief justice and his term of office become effective January 1, 2000.

Assemblyman Batten moved that the resolution be referred to the Concurrent Committees on Judiciary and Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Resolution No. 6—Amending the Standing Rules of the Assembly to add two members to the Standing Committee on Health and Human Services.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Rule 40 of the Standing Rules of the Assembly as adopted for the 68th session of the Legislature is hereby amended to read as follows:

40

Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, fourteen members.
2. Judiciary, fourteen members.
3. Taxation, twelve members.
4. Education, twelve members.
5. Elections and Procedures, twelve members.
6. Natural Resources, Agriculture and Mining, ten members.
7. Labor and Management, ten members.
8. Transportation, ten members.
9. Commerce, twelve members.
10. Health and Human Services, [ten] *twelve* members.
11. Government Affairs, fourteen members.
12. Economic Development and Tourism, eight members.

Assemblyman Close moved that Assembly Resolution No. 6 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Close.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Steel, Schneider, Manendo, Goldwater, Brower, Spitler, Close, Batten, Braunlin, Ohrenschall, Segerblom, Allard, Carpenter, Bennett, de Braga, Monaghan, Krenzer, Buckley, Nolan, Sandoval,

Tripple, Bache, Lambert, Humke, Stroth, Perkins, Anderson, Harrington, Ernaut, Fettic, Arberry, Price, Marvel, Giunchigliani, Evans, Chowning and Freeman:

Assembly Bill No. 352—An Act relating to motor vehicles; authorizing the department of motor vehicles and public safety to establish a program for the issuance of certificates of registration and license plates for new vehicles sold by a new vehicle dealer; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Nolan, Segerblom, de Braga, Bennett, Freeman, Neighbors, Bache, Lambert, Braunlin, Tripple, Ernaut, Krenzer, Chowning, Sandoval, Humke, Batten, Brower, Manendo, Carpenter, Goldwater, Schneider, Steel, Stroth, Perkins and Anderson:

Assembly Bill No. 353—An Act relating to crimes; increasing the penalty under certain circumstances for the commission of assault or battery upon an emergency medical technician; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 354—An Act relating to state personnel; authorizing the director of the department of personnel to adopt regulations which permit the noncompetitive appointment of employees with certain permanent partial disabilities; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 355—An Act relating to governmental districts; providing in skeleton form for a limitation on the authority to levy property taxes for the support of certain districts which are formed for a single or limited purpose; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 356—An Act relating to municipal obligations; clarifying the duties of general obligation bond commissioners; revising the provisions governing the issuance of municipal obligations secured by pledged revenue; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 357—An Act relating to state personnel; defining the term "veteran" for the purposes of provisions governing preference points for veterans in competitive examinations; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 358—An Act relating to education; repealing provisions authorizing the creation of a general improvement district to provide facilities for public schools; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 359—An Act relating to governmental districts; limiting the creation of certain taxing districts to those which are approved by a majority of voters or proposed by petition of a majority of the property owners; requiring a comprehensive report on the collection of taxes and the issuance of obligations to be periodically prepared for projects within a special district; requiring an economic report to be prepared and considered before the creation of certain taxing districts; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Goldwater:

Assembly Bill No. 360—An Act relating to industrial insurance; requiring, under certain circumstances, an evaluation of the psychological impairment of an injured employee for the purposes of calculating his entitlement to an award for a permanent partial disability; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Sandoval, Anderson, Humke and Buckley:

Assembly Bill No. 361—An Act relating to Indian children; clarifying that such children are exempt from the application of certain provisions governing child custody, adoption, termination of parental rights and placement in

foster care; requiring certain agencies to notify an Indian child's tribe if the child is relinquished for adoption; and providing other matters properly relating thereto.

Assemblyman Sandoval moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 126.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 147.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 63, 129, 166; Senate Bill No. 146; Senate Joint Resolution No. 2 of the 67th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Concurrent Resolution No. 15.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to John F. Rector.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bridgette Paris and David Sevilla.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Marcos Escobedo.

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Anthony Barker and Matt Rajala.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Ryan Stowell.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Cheryl Foster.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Luke Benton.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to R. B. Weltzin and Charlie Nelson.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Leonard Remington and Ryan Stowell.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Scarselli Elementary School: Brian De Marta, Danielle De Martini, Kelsi Duke, Sarah Erwin, Samuel Forrester, Ralissa Gibson, Shawn Husman, Aileen Johnson, Megan Kelly, Gerald King, Alia Macquelin, Derrol McClintock, Brandon Munoz, Heather Murray, Daryl Newman, Savannah Ohl, Russell Pedrett, Christopher Reiner, Shelby Rivera, Mitchell Sawin, Jack Sparman, Emily Stratton, Sean Thaler, Erin Zelenski, Danil Aguilera, Chaz Church, Sommer Cote, Stephanie Hill, Brian Klena, Sarah Lillegard, Steven Merrill, Veronica Miller, Laurena Moore, Shaun Murphy, Mark Ortiz, Natalie Pearson, Tyra Post, Jessica Pyle, Daniel Rojas, Greg Rollins, Danny Shaw, Chanelle Suttor, Bethan Birmingham, Bobby Thomas, Bridget Thompson, Robert Wasilchuk, Rachelle Dumas, Brittany Addeo, Kim Banathy, Alan Barr, Kyle Black, Kyle Bonner, Shiloh Brice, Mitch Chambers, Danny Coker, Anna Fast, Sammi Ferguson, Armand Fitzgerald, Rhiannon Hicks, Silverio Montes, Chris Peters, Kirk Remer, Samantha Robinson, Kelly Smith, Rachel Sundin, Anthony Pedigo, Jeffrey Pearce, Adam Smith, Samantha Jarvis and Michael Buckley; teachers Bud Perkins, Lisa Fontana and Maureen Foley-Marenco; chaperones Pamelo Ohl, Christy Zelenski, Paula Murray, Linda Stratton, Laura Hammer, Marianne De Martini, Don Forrester, Paula Ortiz, Lisa Suttor, Larain Fenner, Hazel Van Winkle, Kathy Rice, Lori Pyle, Mrs. Lillegard, Joy Carr, Mary Fast, Ed Addeo, Debbie Smith and Katrina Hala.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Benson.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Kyra Wright.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Michele Haskins and Jamie Johns.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Barndt and Jackie Vigneault.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to the following members of 4-H: Tom Benton, Jennifer Block, Emily Cadamagnani, Terri Chichester, Stephen Compston, Jasmine Fitzgerald, Sue Hoffman, Tasheena Hunt, Pete Mangum, Charles Mathews, Rosa Mehling, Dale Miller, Wendy Paris, Lorraine Peterson, Jody Prisbrey, Andy Rajala, J. W. Reuwsaat, Danny Richardson, Philip Spencer, Sherry Spencer, Marsha Stowell, Dezzaray True, Cody Weltzin, Ronald Weltzin and Liz Williams.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Wayne Colwell and John E. Sabatini.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Jeff Foster and Greg Brower.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Lindsay Chichester and Cody Reuwsaat.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Heather Hawkins and Holly Hawkins.

Assemblyman Perkins moved that the Assembly adjourn until Monday, March 20, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:37 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTY-FOURTH DAY

CARSON CITY (Monday), March 20, 1995

Assembly called to order at 11:13 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, Washoe Tribal Elder Theresa "Smokey" Jackson.

Heavenly Father, be with us today. Bless everyone here that has come to discuss problems. Whatever the subjects will be, that they do and say the right things. We should all work together so that all things are right.

The Washoe people lived here a long time ago. Our ancestors and we do not forget who we are and where we are. They took care of the land, the plants and especially the willows for weaving; the animals, including the wild horses; streams and rivers and also the lake, Lake Tahoe.

We should all talk to our children in order to teach the care of the land and to encourage respect of others. We will work together to do these things and to ensure Nevada is the land we love, and the place we want to be. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 44, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 160, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Concurrent Resolution No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was re-referred Assembly Bill No. 43, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 261, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA TIFFANY, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 17, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 16.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Resolution No. 7—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Dyan Merritt is elected as an additional attaché of the Assembly for the 68th session of the Legislature of the State of Nevada.

Assemblyman Giunchigliani moved the adoption of the resolution.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 362—An Act relating to trusts; authorizing a trustee to present and a person dealing with a trustee to rely upon a certification of relevant matters in lieu of a full copy of a trust instrument; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 363—An Act relating to justices' courts; revising provisions governing the number of justices of the peace in townships; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 364—An Act relating to administrative assessments; increasing the amount of administrative assessments collected in municipal

courts and justices' courts; limiting the use of the additional proceeds to costs relating to the provision of additional court facilities; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblyman Spitler:

Assembly Bill No. 365—An Act relating to elections; expanding the area around a polling place where electioneering is prohibited; revising the information required to be included in a written challenge of a voter; limiting the scope of the judicial review of a petition for the recall of a public officer; prohibiting the cancellation of registration of a registered voter for failure to vote in a presidential election; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblyman Spitler:

Assembly Bill No. 366—An Act relating to education; requiring the state board of education to establish a course of study in American Sign Language; requiring the commission on professional standards in education to adopt regulations concerning the qualifications for teaching American Sign Language; authorizing the board of regents of the University of Nevada to establish a course of study in American Sign Language; directing the appointment of a task force to make recommendations concerning the establishment of a course of study in American Sign Language; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Education.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 109.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 63.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Assembly Bill No. 63:

YEAS—34.

NAYS—Allard, Buckley, Carpenter, Evans, Lambert, Monaghan, Mr. Speaker Dini, Mr. Speaker Hettrick—8.

Assembly Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 126.
Bill read third time.
Remarks by Assemblyman Brower.
Roll call on Assembly Bill No. 126:
YEAS—42.
NAYS—None.

Assembly Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 129.
Bill read third time.
Remarks by Assemblymen Spitler, Ernaut and Lambert.
Roll call on Assembly Bill No. 129:
YEAS—36.
NAYS—Batten, Bennett, Carpenter, Ernaut, Monaghan, Steel—6.

Assembly Bill No. 129 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 166.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 166:
YEAS—42.
NAYS—None.

Assembly Bill No. 166 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 146.
Bill read third time.
Remarks by Assemblyman Close.
Roll call on Senate Bill No. 146:
YEAS—42.
NAYS—None.

Senate Bill No. 146 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 147.
Bill read third time.
Remarks by Assemblymen Tiffany and Price.
Potential conflict of interest declared by Assemblyman Price.
Roll call on Senate Bill No. 147:
YEAS—41.
NAYS—None.
Not voting—Lambert.

Senate Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 2 of the 67th Session.

Resolution read third time.

Remarks by Assemblyman Manendo.

Assemblyman Close requested that Assemblyman Manendo's remarks be entered in the Journal.

Thank you, Mr. Speaker. Senate Joint Resolution No. 2 of the 67th Session proposes to amend the Nevada Constitution to direct legislation to provide by law the rights of victims of crimes. The resolution enumerates those rights for victims to be informed of the status of criminal proceedings related to the crime, to be present at all public hearings and to be heard at sentencing. Specifically, no cause of action arises from the violation of laws pertaining to the rights of victims, nor does the violation give cause to set aside a conviction of sentence. A person may initiate an action to tell a public official or employee to carry out duties associated with victims' rights. Existing laws bring victims many of the rights outlined in this resolution. Senate Joint Resolution No. 2 would elevate those rights to constitutional recognition. This measure was approved by the 1993 Legislature. If approved in identical form by the 1995 Legislature, Senate Joint Resolution No. 2 would be submitted to the voters at the 1996 general election for final approval or disapproval.

I support this constitutional amendment because this provides a much more abiding guarantee of protection.

We all know that because a law is on the books, it does not mean it is carried out. A specific constitutional provision as backup can only enhance the enforcement of victims' rights laws. This sends a message. It reassures the public that government cares a great deal about victims of crime and intends to do all that it possibly can to protect their rights.

States all over the United States have some type of victims' rights legislation, such as the Victims' Bill of Rights and several adopted constitutional amendments similar to the one before us today.

Supporters of this resolution include STOP DUI, MADD, representatives from the Rape Crisis Center and members of the association known as Families of Murder Victims.

The language contained in this bill is appropriate because it addresses the question dealing with dignity and respect throughout all critical phases of the process. It is appropriate to recognize victims' rights constitutionally in the criminal justice system, just as we have always done for the rights of the accused.

Now it is time for victims of crime to be represented and have their rights protected. This provides sensitivity, dignity and respect to those many victims in this state. Victims are entitled to this and that is the way the constitution of this great state should read.

I urge this body to support Senate Joint Resolution No. 2 of the 67th Session.

Roll call on Senate Joint Resolution No. 2 of the 67th Session:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 2 of the 67th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 10.

Resolution read.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 103.

Amend the resolution, page 1, line 17, after "enhance" by inserting: "and allow greater public access to".

Amend the resolution, page 1, line 18, by deleting "courts" and inserting "judicial branch".

Amend the preamble of the resolution, page 1, by inserting between lines 7 and 8:

"WHEREAS, It is important that all three branches of state government operate under the spirit of the Open Meeting Law; and

WHEREAS, It is acknowledged that certain actions by the courts regarding the cases under consideration must be held in private, however, actions relating to the administration of the judicial system must occur openly to foster public trust; and".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Assemblyman Close moved that Assembly Resolution No. 6 be taken from the Chief Clerk's desk.

Remarks by Assemblyman Close.

Motion carried.

Assembly Resolution No. 6.

Assemblyman Close moved the adoption of the resolution.

Remarks by Assemblyman Close.

Resolution adopted.

Speaker Dini announced that Assemblyman Goldwater was appointed to the Committee on Health and Human Services.

Speaker Hettrick announced that Assemblyman Tripple was appointed to the Committee on Health and Human Services.

REMARKS FROM THE FLOOR

Assemblyman Stroth requested that Assemblyman Ernaut's remarks be entered in the Journal.

Thank you, Mr. Speaker. This weekend, my colleague from Assembly District No. 5 was presented with a special constituent. Former Assemblyman Bill Gregory and his wife had a baby boy on Saturday, March 18, 1995 at 9:18 a.m., and I would like this body to welcome William Ross Gregory to this world.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Kevin Woods.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to Arlan D. Melendez.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Nolan and Joey Nolan.

Assemblyman Ernaut moved that the Assembly adjourn until Tuesday, March 21, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:05 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTY-FIFTH DAY

CARSON CITY (Tuesday), March 21, 1995

Assembly called to order at 11:05 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Jeff Watkins.

Father in Heaven, we come before You with praise and thanksgiving. We acknowledge Your greatness and Your holiness as it is manifested in the beauty of Your creation and Your word. Guide our hearts this day that we may be in Your will. Help us to be sensitive to opportunities to do good. May Your blessing be upon all that is done and said here today. Humbly, we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 35, 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 163, 281, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Assembly Bill No. 273; Assembly Joint Resolution No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JACK D. CLOSE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 20, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 91, 186, 188.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 46, 120, 171, 192.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 10.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted, as amended.

Assemblyman Lambert moved that Assembly Bill No. 35 be re-referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 367—An Act relating to the disposal of sewage; requiring state and district boards of health to avoid conflicts with statutory provisions governing general improvement districts when adopting certain regulations; and providing other matters properly relating thereto.

Assemblyman Monaghan moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Education:

Assembly Bill No. 368—An Act relating to educational personnel; revising provisions governing the probationary period of administrators and teachers employed by county school districts; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 369—An Act relating to planning; correcting an obsolete reference regarding the certification of planners; authorizing governing bodies to direct a hearing examiner to take final action on certain matters assigned to him; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 370—An Act relating to local improvement districts; revising certain provisions relating to alternative procedures for the creation of such districts; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Nolan, Giunchigliani, Ohrenschall, Price, Sandoval, Manendo, Stroth, Allard, Buckley, Braunlin, Monaghan, Harrington, Humke, Evans, Marvel, Close, Lambert, Perkins, Goldwater, Anderson, Schneider and Steel:

Assembly Bill No. 371—An Act relating to elections; authorizing a candidate to file a declaration stating that if he is elected to the office for which he is a candidate, he will not serve in that office; requiring the county or city clerk to display a sign at each precinct of a polling place which lists the candidates who have filed those declarations; and providing other matters properly relating thereto.

Assemblyman Nolan moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 46.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 91.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 120.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 171.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 186.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 188.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 192.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:19 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 128, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 43.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 160.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 64.

Amend section 1, page 1, line 9, by deleting "[9" and inserting "[9] *16*".

Amend section 1, page 1, by deleting line 10 and inserting: "previous year or [250] *400* tags, whichever is greater.".

Amend section 1, page 1, line 12, by deleting "25" and inserting "[25] *50*".

Amend sec. 2, page 2, line 2, by deleting "*$500,*" and inserting "*$300,*".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblymen Carpenter, Anderson and Giunchigliani.

Amendment adopted.

Assemblyman Carpenter moved that Assembly Bill No. 160 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 261.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 125.

Amend section 1, page 1, line 19, by deleting "*A*" and inserting: "*Except as otherwise specifically authorized by a regulation adopted by the board, a*".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 19.
Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 44.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman de Braga moved that Senate Bill No. 44 be placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 109.
Bill read third time.
Remarks by Assemblymen Ohrenschall, Giunchigliani and Arberry.
Roll call on Senate Bill No. 109:
YEAS—42.
NAYS—None.

Senate Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Steel, Price, Schneider, Stroth, Krenzer, Braunlin, Manendo, Ohrenschall, Brower, Harrington, Bennett, Sandoval, Fettic, Freeman, Monaghan, Spitler, Evans, de Braga, Carpenter, Allard, Tiffany, Nolan, Tripple, Chowning, Batten, Segerblom, Lambert, Perkins, Buckley, Anderson, Goldwater, Humke, Williams, Marvel, Close, Giunchigliani, Hettrick, Dini, Neighbors, Arberry, Bache and Ernaut:

Assembly Bill No. 372—An Act relating to public officers; revising the residency requirements for candidacy for and retention of public office; and providing other matters properly relating thereto.

Assemblyman Steel moved that the bill be referred to the Committee on Elections and Procedures.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Concurrent Resolution No. 16; Assembly Resolution No. 6.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Tom and Betty Czehowski.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Thomas R. Grayson.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Bryan Dziedziak.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Scott Dickinson.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to John Egermayer.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Harrison.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Ralph McCracken and Michael Delee.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Allen Kaeriher.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Harris.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, March 22, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:40 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTY-SIXTH DAY

CARSON CITY (Wednesday), March 22, 1995

Assembly called to order at 11:08 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Roy Parker.

Let us pray: Our Heavenly Father, Your wondrous glory is manifested all about us. In the Spring of the year, Your handiwork shows best in the flowers and trees budding forth.

We also recognize Your work within us, giving to us of Yourself to make us as the new growth of Spring, receiving Your blessings as nature does.

Let Your best be ours this day in all our endeavors. We thank You, Lord. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 272, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 306, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 298, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA TIFFANY, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 262, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN MONAGHAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Sandoval, Price and Brower:

Assembly Bill No. 373—An Act relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to provide an exemption from the tax for orthotic appliances and ambulatory casts, other supports and casts if prescribed or applied by a licensed physician, and splints, bandages, pads, compresses and dressings prescribed, furnished or sold under certain circumstances; contingently providing the same exemption from certain analogous taxes; and providing other matters properly relating thereto.

Assemblyman Sandoval moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Steel, Stroth, Ohrenschall, Monaghan, Manendo, Carpenter, Anderson, Humke, Schneider, Braunlin, Bennett, Fettic, Harrington, Ernaut, Giunchigliani, Allard, Hettrick, Price, Krenzer, Marvel, Freeman, Tiffany, Bache, Batten, Williams, Goldwater, Close, Segerblom, Sandoval, Nolan, de Braga, Spitler, Lambert, Tripple, Evans, Neighbors, Arberry, Brower, Perkins, Dini, Chowning and Buckley:

Assembly Bill No. 374—An Act relating to the defacement of property; making it unlawful to place graffiti on or otherwise deface the property of another; requiring a person who is found guilty of placing graffiti on or otherwise defacing property to perform community service in addition to any other penalty; authorizing a court to suspend the driving privileges of a person who is found guilty of violating a law relating to the defacement of property; permitting law enforcement agencies to offer a reward for information which leads to the conviction of a person who placed graffiti on or otherwise defaced the property of another; requiring counties and cities to remove or cover graffiti placed on public property; making various other changes; providing penalties; and providing other matters properly relating thereto.

Assemblyman Steel moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 375—An Act relating to governmental finances; coordinating the dates upon which certain existing taxes and fees are due; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Giunchigliani, Bache, Williams, de Braga, Evans and Price:

Assembly Bill No. 376—An Act relating to education; requiring the accreditation of all public elementary, junior high and middle schools; extending the school year for teachers and other licensed educational per-

sonnel; requiring that new teachers be provided with mentors; authorizing school districts to establish programs for child and health care; requiring certain employers to grant leave to employees for meetings with educational personnel; making various other changes relating to education; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Carpenter, Sandoval, Schneider, Buckley, Fettic, Segerblom, Neighbors, Lambert, de Braga, Evans, Braunlin, Steel, Harrington and Nolan:

Assembly Bill No. 377—An Act relating to taxation; exempting certain charitable organizations from the responsibility of paying the business tax on behalf of persons who participate in a trade show or convention; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Giunchigliani, Evans, Bache, Spitler, Buckley, Anderson, Manendo, Arberry, Fettic, Hettrick, Chowning, Close, Price, Tiffany, Dini, Sandoval, Freeman, Tripple, Perkins, Nolan, Krenzer, Williams, Ohrenschall, Lambert, Monaghan, Harrington, Schneider, Steel, de Braga, Neighbors, Segerblom and Goldwater:

Assembly Bill No. 378—An Act relating to domestic violence; revising the definition of an act which constitutes domestic violence; revising the provisions concerning the arrest of a person suspected of domestic violence; requiring the court to be available 24 hours a day for the issuance of temporary protective orders; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 128.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 151.

Amend section 1, page 1, line 2, by deleting "$1,513,097" and inserting "$1,510,223".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 137.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 163.

Bill read second time.

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

Amendment No. 93.

Amend the bill as a whole by adding a new section, designated sec. 2, following section 1, to read as follows:

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

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 273.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 281.

Bill read second time.

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

Amendment No. 130.

Amend section 1, page 1, line 20, by deleting: "*a unanimous vote,*" and inserting: "*an affirmative vote of two-thirds of the members elected to the governing body,*".

Amend the title of the bill, first line, by deleting "unanimous" and inserting "supermajority".

Amend the summary of the bill, first line, by deleting "unanimous" and inserting "supermajority".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 22.

Resolution read second time, ordered engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 92, 94, 110, 125, 151, 185, 186; Senate Bill No. 61, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which were referred Assembly Bills Nos. 87, 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 43.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Assembly Bill No. 43:

YEAS—42.
NAYS—None.

Assembly Bill No. 43 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 19.
Resolution read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Assembly Joint Resolution No. 19:

YEAS—41.
NAYS—Buckley.

Assembly Joint Resolution No. 19 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speaker and Chief Clerk signed Assembly Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Czehowski, Betty Czehowski and Kelly B. Jensen.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Reed High School: Nate Ashley, Jamie Bradley, Heather Burgin, Corey Carter, Brad Corn, Ryan Cuddy, Angela Dearing, Erika Douglass, Jeremy Espil, Gonzalo Garcia, Jaime Gonzalez, Frank Homen, Susan Irwin, Keith Kitaoka, Stacey Krentz, Manuel Lugo, Dalton Maffett, Brett Malamet, Aaron McBride, Matt Mewes, Aaron Neilson, Michael Nierman, Justin Oliver, Andrea Pendill, Nick Ochs, Brian Platz, Jennifer Proper, Marv Ramacher, Holly Roesler, Jimmy Speelman, Christine Stranahan, Robbie Wellman, Danielle White, Dan Woyciehowsky, Chris Sheahan and Steve Russell; teachers Lewis Young and Jack Norman.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Vasilis Koulolias and Jeffrey T. Rhodes.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Lorrie Alexander, Carol Fitzsimmons, Peggy Jones, Lorraine Davis, Clarice Brandt, Jenny Ybarra and Jean Brandt.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to John Wilson.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Carlene M. Francis.

On request of Assemblyman Stroth, the privilege of the floor of the Assembly Chamber for this day was extended to Lynn Rosenbach.

Assemblyman Ernaut moved that the Assembly adjourn until Thursday, March 23, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:42 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTY-SEVENTH DAY

CARSON CITY (Thursday), March 23, 1995

Assembly called to order at 11:07 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblyman Humke, who was excused.

Prayer by the Chaplain, The Reverend Jeff Watkins.

Heavenly Father, we acknowledge You as the Great Provider this morning. We thank You for the water we have received. We thank You for Your daily guidance and provision. May our work this day reflect an attitude of thanksgiving. May our hearts be in tune with Your will. We pray this with love for You. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 256, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 195, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 22, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 68.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 15.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 98, 156, 177.

Also, I have the honor to inform your honorable body that the Senate passed, as amended, Senate Bills Nos. 90, 168.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 9.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 9.

Assemblyman Perkins moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 379—An Act relating to state employees; increasing the amount of payments for longevity of employment; requiring state agencies to pay fees for the issuance or renewal of certain licenses required of classified employees; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 380—An Act relating to energy; requiring that a portion of the electrical generating capacity of certain utilities be provided by the use of renewable energy resources; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 381—An Act relating to energy conservation; providing for the use by a state agency of money attributable to energy savings; setting forth the conditions of that use; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 382—An Act relating to local improvement districts; authorizing the waiver of certain rights and procedures by owners of assessable property within a district; authorizing the addition of certain improvements to existing contracts for construction work without compliance with requirements for competitive bidding; authorizing the application of credits against payments of assessments that are due under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Perkins (by request):

Assembly Bill No. 383—An Act relating to employment in the entertainment industry; requiring security for the payment of wages of all persons

employed in a production; expanding the definition of a "production"; making technical changes; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblyman Perkins (by request):

Assembly Bill No. 384—An Act relating to industrial insurance; requiring the manager of the state industrial insurance system to establish premium rates for employment classified as construction based on the number of hours worked; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblymen Close, Steel, Sandoval, Humke, Lambert, Batten, Bennett, Spitler, Tiffany, Marvel, Fettic, Anderson, Manendo, Monaghan and Nolan:

Assembly Bill No. 385—An Act relating to activities of a criminal nature; providing an additional penalty for felonies committed on school property; prohibiting probation for any person convicted of using a firearm to commit a crime; making various changes relating to criminal gangs to provisions governing education, parole and proceedings in juvenile court; removing the limitation on the civil liability of parents for the delinquent act of a minor; requiring the expulsion or suspension from school of certain pupils committing an assault on an employee of the school; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Evans, Dini, de Braga, Neighbors, Carpenter, Segerblom, Steel, Schneider, Tiffany, Ernaut, Sandoval, Manendo, Arberry, Freeman and Stroth:

Assembly Bill No. 386—An Act relating to economic development; providing for the confidentiality of certain documents submitted to organizations for economic development formed by cities or counties; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Economic Development and Tourism.

Motion carried.

Senate Bill No. 90.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 98.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 156.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 168.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 177.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 387—An Act relating to state land; requiring the approval of leases, exchanges and sales of certain state land by the legislature if it is in regular or special session; approving the execution of two particular leases and the sale of a certain state building and land; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 388—An Act relating to the governor's advisory council on education relating to the Holocaust; requiring the council to develop programs to raise money for the use of the council in carrying out its duties; authorizing the expenditure of any such money; making an appropriation to the council; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 389—An Act relating to the department of prisons; authorizing the transfer of money from the offenders' store fund to pay certain costs assessed to an offender for medical treatment or medical care; authorizing the director of the department to charge an offender for the cost of medical treatment for injuries which occur during voluntary recreational activities; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 390—An Act relating to state employees; entitling classified state employees to the receipt of a retention bonus; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 391—An Act making a supplemental appropriation to the division of child and family services of the department of human resources for the increased cost of utilities at the Caliente youth center; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 392—An Act relating to state employees; increasing the salaries of classified state employees; and providing other matters properly relating thereto.

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

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Dini, Perkins, Steel, Anderson, Hettrick, Bache, Evans, de Braga, Neighbors, Segerblom, Carpenter, Schneider, Harrington, Williams, Price, Ernaut, Stroth, Humke, Chowning, Batten, Spitler, Buckley, Sandoval, Tiffany, Tripple, Manendo, Monaghan, Lambert, Giunchigliani, Close, Marvel, Arberry, Krenzer, Nolan, Freeman, Ohrenschall, Bennett, Goldwater, Fettic, Allard, Braunlin and Brower:

Assembly Bill No. 393—An Act relating to weapons; revising various provisions relating to the handling or possession of a firearm by a child; authorizing the juvenile court to order certain persons to attend counseling paid for by the sale of forfeited conveyances used to violate certain provisions related to the possession of a firearm by a child; providing that under certain circumstances a parent is liable for damages caused by the negligence or willful misconduct of a minor in connection with the use or possession of a firearm; increasing the penalty for certain offenses related to

the possession of firearms by children and the sale of certain firearms to children; revising the provisions governing the disposition of confiscated weapons; and providing other matters properly relating thereto.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 68.

Amend section 1, page 1, by deleting lines 5 through 8 and inserting: "alcohol and drug abuse shall, on or before January 10, 1996, distribute that sum equally to the court administrator of each district court in this state which, on January 1, 1996, has an existing program of treatment for the abuse of alcohol or drugs pursuant to NRS 453.580. Any money so distributed must be used by the court administrators to pay the initial costs of creating that program of treatment or to pay other ongoing operational expenses of the program.".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 92.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 87.

Amend section 1, page 1, by deleting lines 21 and 22.

Amend section 1, page 1, line 23, by deleting "*(c)*" and inserting "*(b)*".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 94.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 99.

Amend section 1, page 1, lines 15 and 16, by deleting "*6 months:*" and inserting "*90 days:*".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Assemblyman Sandoval moved that Assembly Bill No. 94 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 106.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 84.

Amend section 1, page 1, by deleting lines 13 and 14 and inserting:

"*(3) Unreasonably expanding or delaying a proceeding;*

(4) Engaging in abuse of discovery;

(5) Presenting forged, false or intentionally misleading documents or statements; or

(6) Contempt,".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 110.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 83.

Amend section 1, page 1, by deleting lines 12 and 13 and inserting: "*3. A person who is called as a witness primarily for the*".

Amend sec. 2, page 2, by deleting lines 1 and 2 and inserting: "2. *A person who is called as a witness primarily for the*".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 125.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 107.

Amend section 1, page 2, line 14, after the period by inserting: "*As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.*".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 151.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 106.

Amend section 1, page 1, line 3, by deleting "*30*" and inserting "*21*".

Amend section 1, page 1, line 6, after "*of all*" by inserting "*known*".

Amend sec. 3, page 3, between lines 3 and 4, by inserting:

"*In response to such an order, the defendant shall make available any such statement, results and reports which the defendant intends to offer as evidence or otherwise use during the trial.*".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 155.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 97.

Amend section 1, page 1, line 9, after "*for a*" by inserting "*resident*".

Amend section 1, page 1, line 12, after "*for a*" by inserting "*resident*".

Amend section 1, page 1, line 14, after "*for a*" by inserting "*resident*".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Assemblyman Sandoval moved that Assembly Bill No. 155 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 185.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 120.

Amend sec. 2, page 1, line 15, after "*484*" by inserting "*or 706*".

Amend sec. 2, page 1, line 21, after "*484*" by inserting "*or 706*".

Amend the title of the bill, second line, by deleting "traffic".

Amend the summary of the bill, first line, by deleting "traffic".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 186.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 119.

Amend section 1, page 1, by deleting lines 19 through 24 and inserting:

"5. For the purposes of this section [, "victim" has the meaning ascribed to it in NRS 213.005.] :

(a) "Relative" of a person includes:

(1) A spouse, parent, grandparent or stepparent;

(2) A natural born, stepchild or adopted child;

(3) A grandchild, brother, sister, half brother or half sister; or

(4) A parent of a spouse.

(b) "Victim" includes:

(1) A person, including a governmental entity, against whom a crime has been committed;

(2) A person who has been injured or killed as a direct result of the commission of a crime; and

(3) A relative of a person described in subparagraph (1) or (2).".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 262.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 154.

Amend section 1, page 1, by deleting lines 8 through 12 and inserting: "*the use of a public spa to a child who is under 12 years of age and has adult supervision.*".

Assemblyman Monaghan moved the adoption of the amendment.

Remarks by Assemblyman Monaghan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 272.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 159.

Amend the bill as a whole by deleting sections 1 through 5 and the text of the repealed section and adding new sections designated sections 1 through 10, following the enacting clause, to read as follows:

"Section 1. Chapter 362 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the net proceeds of a geographically separate extractive operation in any calendar year exceed $4,000,000, the tax upon the net proceeds for the next calendar year must be paid:

(a) On or before August 1 for the net proceeds extracted from January 1 through June 30 of that year;

(b) On or before November 1 for the net proceeds extracted from July 1 through September 30 of that year; and

(c) On or before February 1 for the net proceeds extracted from October 1 through December 31 of the preceding year.

The rate of tax must be computed pursuant to NRS 362.140 on the basis of the best estimate of the taxpayer as to the rate that will be applicable for the current year. If the rate selected is different than the rate paid in the previous year, the taxpayer shall submit a brief explanation with the payment to justify the rate selected. If, upon investigation of the facts, the department determines that an inappropriate rate was used which resulted in an underpayment of the taxes due, the department shall immediately notify the taxpayer in writing of the deficiency. The taxpayer shall pay the deficiency within 10 days after receipt of such a notice.

2. If the total amount of royalties paid by a geographically separate operation to a person in any calendar year exceeds $100,000, the recipient of the royalties shall pay the tax on the royalties for the next calendar year:

(a) On or before August 1 for royalties paid from January 1 through June 30 of that year;

(b) On or before November 1 for royalties paid from July 1 through September 30 of that year; and

(c) On or before February 1 for royalties paid from October 1 through December 31 of the preceding year.

3. The tax upon the net proceeds for any other operation or on any other royalties may be paid pursuant to the requirements of subsection 1 or 2.

4. The taxpayer shall include with each payment made pursuant to this section a copy of the calculations by which the amount of the payment was determined, including the amount of net proceeds and the rate of tax.

5. On or before March 15 of each year, the department shall provide a notice to each person to whom subsection 1 or 2 is applicable. The notice must include a copy of this section and state that the department has determined that subsection 1 or 2 is applicable to that person for the current calendar year. Failure to receive the notice required by this subsection does not excuse late payment or nonpayment.

Sec. 2. NRS 362.110 is hereby amended to read as follows:

362.110 1. Every person extracting any mineral in this state or receiving any royalty:

(a) Shall, on or before February [15] *1* of each year, except as otherwise provided in paragraph (b), file with the department a statement showing the gross yield and claimed net proceeds from each geographically separate operation where a mineral is extracted by that person during the calendar year immediately preceding the year in which the statement is filed.

(b) May have up to [30] *15* additional days to file the statement, if beforehand he makes written application to the department and the department finds good cause for the extension.

2. The statement must:

(a) Show the claimed deductions from the gross yield in the detail set forth in NRS 362.120. The deductions are limited to the costs incurred during the period covered by the statement.

(b) Be in the form prescribed by the department.

(c) Be verified by the manager, superintendent, secretary or treasurer of the corporation, or by the owner of the operation, or, if the owner is a natural person, by someone authorized in his behalf.

3. Each recipient of a royalty as described in subsection 1 shall annually file with the department a list showing each of the lessees responsible for taxes due in connection with the operation or operations included in the statement filed pursuant to subsections 1 and 2.

Sec. 3. NRS 362.115 is hereby amended to read as follows:

362.115 In addition to the statement required by subsection 1 of NRS 362.110, each person [who is required to file that statement:

1. Shall,] *extracting any mineral in this state shall* on or before May 30 of each year, file with the department a statement showing the estimated gross yield and estimated net proceeds from each such operation for the entire current calendar year [, and shall pay the tax upon the net proceeds so estimated to the department on or before July 15 of that year. If an estimate is filed, the amount due under the final certification pursuant to NRS 362.130 is the difference between the total tax established upon the certification and the sum of the estimated payments made or credited, if any, for that calendar year. If the sum of the estimated payments exceeds the total tax, the taxpayer is entitled to credit the excess against the ensuing estimates or final taxes due until it is exhausted, or, if the taxpayer files a statement with the department which indicates that he will have no tax liability for the next calendar year, upon verification by the department, the taxpayer is entitled to receive a refund.

2. May file with the department a quarterly report stating an estimate for the year and the actual quarterly amounts of production, gross yield and net proceeds as of March 31, June 30, September 30 and December 31, to establish whether liability for a penalty exists. If the person chooses to submit such reports, the reports must be submitted on a form prescribed by the department no later than the last day of the month following the end of the calendar quarter.] *and an estimate of all royalties that will be paid during the current calendar year. The department shall use this statement only to prepare estimates for use by local governments in the preparation of budgets.*

Sec. 4. NRS 362.130 is hereby amended to read as follows:

362.130 1. When the department determines from the annual statement *filed pursuant to NRS 362.110* the net proceeds of any minerals extracted, it shall prepare its certificate of the amount of the net proceeds and the tax due and shall send a copy to the owner of the mine, operator of the mine, or recipient of the royalty, as the case may be.

2. The certificate must be prepared and mailed not later than [June 10] *April 20* immediately following the month of February during which the statement was filed.

3. [If the amount paid pursuant to NRS 362.115 is less than 90 percent of the amount certified pursuant to this section, the amount due must include a penalty of 10 percent of the underpayment unless:

(a) The amount paid pursuant to NRS 362.115 is equal to or greater than the total tax liability of the operation for the immediately preceding calendar year; or

(b) The person files quarterly reports pursuant to subsection 2 of NRS 362.115 in a timely manner for that year and pays the additional amount due within 30 days after the quarterly report that indicates the additional estimated tax liability is filed with the department. The additional estimated tax liability must be calculated by determining the difference between the revised estimates of net proceeds based on the recent production figures as indicated by the quarterly reports and the original estimate supplied on May 30 of that year.

4. The taxes and any penalty are due on June 30 of that year.] *The tax due as indicated in the certificate prepared pursuant to this section must be paid on or before May 10 of the year in which the certificate is received.*

4. If the owner of the mine, operator of the mine, or recipient of the royalty paid taxes pursuant to subsection 1 or 2 of section 1 of this act, the certificate must indicate any deficiency remaining from the previous calendar year or any overpayment of the taxes made for the previous calendar year.

5. Any deficiency remaining from the previous calendar year, as indicated on the certificate prepared pursuant to this section must be paid on or before May 10 of the year in which the certificate is received.

6. If an overpayment was made and subsection 1 or 2 of section 1 of this act applies to the taxpayer for the current calendar year or the taxpayer chooses to pay the tax pursuant to subsection 1 or 2 of section 1 of this act for the current calendar year, one-half of the overpayment may be credited towards the payment due on August 1 of the current calendar year and one-quarter may be credited towards each of the other two payments due for the current calendar year. If neither subsection 1 nor subsection 2 of section 1 of this act is applicable to the taxpayer for the current calendar year and the tax is paid on or before May 10 of the next calendar year, the overpayment may be credited towards that payment.

Sec. 5. NRS 362.160 is hereby amended to read as follows:

362.160 *1.* If the amount of any tax [or estimated payment] required by NRS 362.100 to 362.240, inclusive, is not paid within [30] *10* days after it is due, it is delinquent and must be collected as other delinquent taxes are collected by law, together with [the penalties provided for the collection of delinquent taxes.] *a penalty of 10 percent of the amount of the tax which is owed, as determined by the department, in addition to the tax, plus interest at the rate of 1.5 percent per month, or fraction of a month, from the date the tax was due until the date of payment.*

2. Any person extracting any mineral or receiving a royalty may appeal from the imposition of the penalty and interest to the Nevada tax commission by filing a notice of appeal within 30 days after the tax became due.

Sec. 6. NRS 362.170 is hereby amended to read as follows:

362.170 1. There is hereby appropriated to each county the total of the amounts obtained by multiplying, for each extractive operation situated within the county, the net proceeds of that operation *and any royalties paid by that operation,* by the combined rate of tax ad valorem, excluding any rate levied by the State of Nevada, for property at that site [.] , *plus a pro rata share of any penalties and interest collected by the department for the late payment of taxes distributed to the county.* The department shall report to the state controller [for distribution on August 1] *on or before February 15, May 25, August 15 and November 15* of each year the amount appropriated to each county, as calculated for each operation from the final statement made in February of that year for the preceding calendar year [.] *and the statements filed pursuant to section 1 of this act. The state controller shall distribute all money due to a county on or before February 20, May 30, August 20 and November 20 of each year.*

2. The county treasurer shall apportion to each local government or other local entity [, the] *an amount calculated by:*

(a) Determining the total of the amounts obtained by multiplying, for each extractive operation situated within its jurisdiction, the net proceeds of that operation [, including] *and any* royalty payments [,] *paid by that operation,* by the rate levied on behalf of that local government or other local entity [, less] *;*

(b) Adding to the amount determined pursuant to paragraph (a) a pro rata share of any penalties and interest collected by the department for the late payment of taxes distributed to that local government or local entity; and

(c) Subtracting from the amount determined pursuant to paragraph (b) a percentage commission of 3 percent *of that amount* which must be deposited in the county general fund.

3. The amounts apportioned pursuant to [this subsection,] *subsection 2,* including the amount retained by the county and excluding the percentage commission, must be applied to the uses for which each levy was authorized in the same proportion as the rate of each levy bears to the total rate.

[3.] *4.* The department shall report to the state controller on [August 1] *May 25* of each year the amount received as tax upon the net proceeds of geothermal resources which equals the product of those net proceeds multiplied by the rate of tax levied ad valorem by the State of Nevada.

Sec. 7. NRS 362.173 is hereby amended to read as follows:

362.173 1. The permanent net proceeds fund is hereby created as a trust fund. No portion of the principal of the fund may be removed except by direct legislative appropriation. Any such appropriation must receive the votes of a two-thirds majority of each house of the legislature.

2. On or before [August 15] *June 1* of each year, the state controller shall deposit in the fund 5 percent of the portion of the revenue from the tax on the net proceeds of minerals that is remaining after [the appropriation made by] *all of the distributions of the proceeds of the taxes paid for the previous calendar year have been made pursuant to* NRS 362.170.

3. On or before [August] *June* 15 of each odd-numbered year, the state controller shall transfer to the fund any revenue from the tax on the net

proceeds of minerals *that was* received [during] *in payment for taxes due for* the 2 previous fiscal years which, after subtracting the amount deposited pursuant to subsection 2 and the amount appropriated pursuant to NRS 362.170 for both fiscal years, exceeds $55,000,000.

Sec. 8. NRS 362.230 is hereby amended to read as follows:

362.230 1. Every person extracting any mineral in this state, or receiving a royalty in connection therewith, who fails to file with the department the statements provided for in NRS 362.100 to 362.240, inclusive, during the time and in the manner provided for in NRS 362.100 to 362.240, inclusive, shall pay a penalty of not more than [10 percent of the amount of the tax due or $5,000, whichever is less.] *$5,000.* If any such person fails to file the statement, the department may ascertain and certify the net proceeds of the minerals extracted or the value of the royalty from all data and information obtainable, and the amount of the tax due must be computed on the basis of the amount due so ascertained and certified.

2. The executive director shall determine the amount of the penalty. This penalty becomes a debt due the State of Nevada and, upon collection, must be deposited in the state treasury to the credit of the state general fund.

3. Any person extracting any mineral or receiving a royalty may appeal from the imposition of *the* penalty [and interest] to the Nevada tax commission by filing a notice of appeal within 30 days after the decision of the executive director.

Sec. 9. 1. On or before August 15, 1995, the state controller shall distribute the proceeds of the taxes that were due on June 30, 1995, and paid pursuant to NRS 362.130, as it existed before amendment by this act, to the counties to which they were appropriated.

2. On or before August 1, 1995, the state controller shall make the payment required by subsection 2 of NRS 362.173 for the 1995 calendar year.

3. All taxes imposed by chapter 362 of NRS for:

(a) The 1994 calendar year must be paid pursuant to chapter 362 of NRS as it existed before amendment by this act.

(b) The 1995 calendar year must be paid pursuant to chapter 362 of NRS as amended by this act.

Sec. 10. This act becomes effective on July 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to taxation; revising the manner in which the tax on the net proceeds of minerals is paid and the penalty for late payments; making various changes concerning the distribution of the proceeds of the tax to the local entities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing payment and distribution of tax on net proceeds of minerals. (BDR 32-127)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 298.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 306.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 61.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 53.

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. NRS 209.429 is hereby amended to read as follows:

209.429 1. The director may, at the request of an offender who has:

(a) Established a position of employment in the community; and

(b) Successfully completed the initial period of rehabilitation required under the program of treatment established pursuant to NRS 209.425,

assign the offender to the custody of the division of parole and probation of the department of motor vehicles and public safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. *Before a person may be assigned to serve a term of residential confinement pursuant to this section, he must submit to the division a signed document stating that:*

(a) He will comply with the terms or conditions of his residential confinement; and

(b) If he fails to comply with the terms or conditions of his residential confinement and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.

3. If an offender assigned to the custody of the division of parole and probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The division of parole and probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the department of prisons.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender, and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

[3.] *4.* The assignment of an offender to the custody of the division of parole and probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the department of prisons,

except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department of prisons.

[4.] *5.* No person has a right to be assigned to the custody of the division of parole and probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.''.

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 137.

Bill read third time.

Remarks by Assemblymen Harrington, Carpenter and Arberry.

Roll call on Assembly Bill No. 137:

YEAS—41.

NAYS—None.

Absent—Humke.

Assembly Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 261.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Assembly Bill No. 261:

YEAS—41.

NAYS—None.

Absent—Humke.

Assembly Bill No. 261 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 273.

Bill read third time.

Remarks by Assemblyman Steel.

Roll call on Assembly Bill No. 273:

YEAS—41.

NAYS—None.

Absent—Humke.

Assembly Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 22.

Resolution read third time.

Remarks by Assemblymen Freeman, de Braga, Neighbors and Price.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. Assembly Joint Resolution No. 22 urges Congress to continue the existence of the corporations for public broadcasting and its important role in ensuring public television and radio programming of high quality, diversity, creativity and innovations for all Americans. The resolution becomes effective upon passage and approval.

I remember that public broadcasting was started in the 1960s. As a person who grew up in a rural area, I was gratified and astonished at the type of programming, both in radio and television, which was available to those of us who hadn't had the opportunity for this type of programming. I consider it one of the things that makes our lives as Americans full.

I have a lot of material here that explains what happens with your involvement in the public school system. For example, you can get a GED in Las Vegas via public television teachers, as well as training in English as a second language. If they lose their funding, the rural areas will suffer. I would hate to think we would do this. I would ask for your support. Thank you.

ASSEMBLYMAN DE BRAGA:

Thank you, Mr. Speaker. I rise in support of Assembly Joint Resolution No. 22. In rural areas of Nevada where there are few cultural choices, public radio and television often offers residents their only access to educational programs, in-depth local political coverage and classical music. These broadcasts are vital to rural Nevada as well as to the rest of the state. I really cannot survive without a daily fix from KUNR, and I urge your support.

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Joint Resolution No. 22. This is a very important resolution, especially for the rural counties. For many of you who have driven up from Las Vegas, once you leave Indian Springs, you have 400 miles of good music, news and radio. I urge your support on this bill. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I want to tell a story about a person that I think we will all see and appreciate someday. Two years ago at the ALEC meeting in upper Michigan, all the legislators were invited to a school whose name escapes me, but it is a summer school for children talented in music and painting. I met and listened to a young black girl about 7 or 8 years old playing the violin. She was a genius. This young lady is going to be known when she grows up. Her name was Melissa White. It turned out that I talked to her mother to see how her talent developed. Melissa had watched someone playing the violin on Sesame Street and started bugging her mother until she finally bought her a violin. It really brought home that one story. I don't watch Sesame Street, but I tell you it must have some wonderful things on it. I will be continuing my support to the extent I can for public television and radio. Thank you.

Roll call on Assembly Joint Resolution No. 22:

YEAS—38.

NAYS—Harrington, Steel, Stroth—3.

Absent—Humke.

Assembly Joint Resolution No. 22 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bills Nos. 109, 147; Senate Joint Resolution No. 2 of the 67th Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Sharron Angle.

Assemblyman Perkins moved that the Assembly adjourn until Friday, March 24, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:07 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SIXTY-EIGHTH DAY

CARSON CITY (Friday), March 24, 1995

Assembly called to order at 11:07 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Roy Parker.

Let us pray: O Father of Heaven and Earth, we truly are recipients of Your blessings on this getaway day. We ask for safety for each of these Assemblymen and women as they travel. And may they have a great weekend and receive the rest that they have need of. Thank You, Lord. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 65, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM Z. HARRINGTON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 39, 111, 112, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Transportation:

Assembly Joint Resolution No. 25—Urging the President of the United States and Congress to support all federal and state efforts to build and use super-speed trains which operate by magnetic levitation.

Assemblyman Chowning moved that the resolution be referred to the Committee on Transportation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Dini (by request):

Assembly Bill No. 394—An Act relating to taxation; increasing the discount allowed to cigarette dealers for the service of placing revenue stamps on cigarette packages; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Batten:

Assembly Bill No. 395—An Act relating to children; creating a rebuttable presumption that upon the dissolution of marriage, granting of sole or joint custody of a child to a perpetrator of domestic violence or to a former spouse convicted of sexual assault is not in the best interest of the child; and providing other matters properly relating thereto.

Assemblyman Batten moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Sandoval, Goldwater, Manendo, Nolan, Humke, Buckley, Carpenter, de Braga, Freeman, Monaghan, Bennett, Marvel, Neighbors, Ernaut, Lambert, Anderson, Krenzer, Hettrick, Steel, Perkins, Ohrenschall, Stroth, Tiffany, Evans, Close, Allard, Harrington, Giunchigliani, Braunlin, Tripple, Fettic, Segerblom, Williams, Price, Schneider, Bache, Batten, Chowning, Spitler, Arberry, Brower and Dini:

Assembly Bill No. 396—An Act relating to crimes; restricting the granting of probation to persons convicted of certain sexual offenses involving children; and providing other matters properly relating thereto.

Assemblyman Sandoval moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 397—An Act relating to public purchasing; requiring that certain motor vehicles purchased by a public body comply with average fuel economy standards established by the Federal Government; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen de Braga, Segerblom, Manendo, Neighbors, Carpenter, Giunchigliani, Chowning, Spitler and Hettrick:

Assembly Bill No. 398—An Act relating to water; revising provisions relating to the priority of certain water rights; providing that certain evidence may be considered for showing whether water has been beneficially used; clarifying when water is appurtenant to land; requiring the state engineer to provide notice of his intent to declare a forfeiture of certain water rights; requiring the district court to hear and decide protests of applications; requiring the state engineer, under certain circumstances, to grant an extension of the time necessary to work a forfeiture of certain water rights; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 195.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 65.

Amend section 1, pages 1 and 2, by deleting lines 8 through 20 on page 1 and lines 1 through 4 on page 2, and inserting: "order that he received the requests. Except as otherwise provided in subsection 3, the list must only contain the name of each requester, the date and a brief summary of the request.

2. The legislative counsel bureau shall make copies of the list available to the public for a reasonable sum fixed by the legislative commission upon the recommendation of the director of the legislative counsel bureau.

3. In preparing the list, the legislative counsel shall [:

(a) Not include the name of the legislator who has requested the preparation of a measure until:

(1) The particular measure is introduced in the legislature; or

(2) The legislator requests that his name be disclosed as the requester of the measure,

whichever occurs first.

(b) If] , *if* a standing or special committee of the legislature requests a measure on behalf of a legislator or organization, include the name of the standing or special committee and the name of the legislator or organization on whose behalf the measure was originally requested.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 256.
Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Humke moved that Assembly Bill No. 256 be re-referred to the Committee on Ways and Means.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 128.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Assembly Bill No. 128:

YEAS—30.
NAYS—Bennett, Braunlin, Carpenter, Harrington, Humke, Lambert, Monaghan, Nolan, Sandoval, Steel, Tiffany, Tripple—12.

Assembly Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 163.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Bill No. 163:

YEAS—41.
NAYS—Anderson.

Assembly Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 281.
Bill read third time.
Remarks by Assemblyman Lambert.
Roll call on Assembly Bill No. 281:

YEAS—41.
NAYS—Price.

Assembly Bill No. 281 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 298.
Bill read third time.
Remarks by Assemblyman Tiffany.
Roll call on Assembly Bill No. 298:

YEAS—42.
NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 306.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Bill No. 306:

YEAS—42.

NAYS—None.

Assembly Bill No. 306 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Arberry, Spitler, Chowning, Close, Price, Tiffany, Fettic, Dini, Allard, Bache, Manendo, Tripple, Anderson, Stroth, Ernaut, Perkins, Williams, Schneider, Braunlin, Goldwater, Ohrenschall, Steel, Neighbors, de Braga, Krenzer, Freeman, Segerblom, Buckley and Evans:

Assembly Bill No. 399—An Act relating to the state contractors' board; revising the provisions governing the enforcement of chapter 624 of NRS; revising the composition of the board; requiring the board to employ persons to perform certain duties; requiring a contractor whose workmanship is determined by the board to be substandard to repair that work or pay restitution to the person who has suffered damages resulting from that work; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that the following persons be accepted as accredited press representatives, and that they be assigned space at the press table and allowed the use of appropriate broadcasting facilities: Marie Concklin, Susan Haase, Jim Hushaw, Frank X. Mullen, Dede Read, Wendy Sinclair, RENO GAZETTE-JOURNAL.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 68; Assembly Joint Resolution No. 15.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of C.B.C. School: Amanda Crumrine, Zaneta Drayton, Micah Humfeld, Lindsey Klino, Ruth Cachares, Jonathon Chamberlain, Chamisa McConnell,

Lisa Michitsch and Elizabet Peterson; teachers Greg Gooch and Brian Merryman; the following students of Rodger Corbett Elementary School: Imelda Delacerda, Francisco Ayala, Ashley Eisenhour, Warren Burgos, Loni Kidd, Klarissa O'Neil, Gwyn Bergin, Desiree Latona, Andrea Smith, Ricky Wright, Marc Teinert, Leslie Jensen, A. J. McLaughlin, Claudia Ramirez, Elizabeth Ramirez, Jackie Vega, Lizette Rios, Fabian Rangel, Manuel Perez, Clarisa Wilson, Tim Medio, Chris Hanson, Callee Seglin, Randy Montrya, Ludwing Lopes, Pedro Rangel, Pedro Artiz, Hernan Barrero, Esga Hernandz, Raleen Hernandz, Ashley Reynolds, Denise Beltran, Brandy Ferguson, Mirna Burgara, Allan Belecena, Ielay Decker, Kalet Lanier, Adriana Lopez, Yuliana Lopez, Krystal Marx, Rasalba Vasquez, Whitney Chambers, Emerson Arevalo, Brian Green, Toni Wilson, Adam Lancaster, Jessica O'Daye, Heather Day, Ivan Morales, Nathan Bautista, Amelia Vaemela, Luis Perez, Alfredo Ochoa, Jose Lopez, Christine Stark, Lorenzo Katenay, Tanya Davis, Zondra Perkins and Desiree Wilcox; teachers Mr. Denor, Mrs. Moreno, Mrs. Regor and Lorena Santos.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Denio Elementary School: Sam Dufurrena, Jeremy Molden, Jack Walters, Zack Dufurrena, Georgina Aguilar, Tanner Slover, Zara Molden, Travis Slover, Magen Dufurrena and Viola Schade; teacher Carolyn Dufurrena; chaperone Kathleen Walters; and the following student from Paradise Valley School: Emily Kretschmer; teacher Constance Kretschmer.

Assemblyman Ernaut moved that the Assembly adjourn until Monday, March 27, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:46 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTY-FIRST DAY

CARSON CITY (Monday), March 27, 1995

Assembly called to order at 11:06 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblyman Giunchigliani, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Let us pray: Father, it is so great when we have young people with us here. It is a thrill to hear their happy voices pledge allegiance to our country. Thank You for Nevada's youth. May we think of them and their future when we make decisions, and please bless them as they prepare to take our places someday. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 139, 214, 286, 295, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 161, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 24, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 146.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 400—An Act relating to community centers for training retarded persons; authorizing the making of grants of money to certain such centers to assist in the payment of administrative and operational expenses of the centers before such expenses have actually been incurred; requiring reporting concerning the expenditure of such money; providing a penalty; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 401—An Act relating to public information; providing that charges made for copies must be reasonable; authorizing public agencies to conduct searches of records by individual request for a fee; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 402—An Act relating to public records; establishing procedures for the public to inspect public records; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 403—An Act relating to government securities; revising the definition of "allocable local revenues" for purposes of the provisions governing the issuance of state securities to acquire revenue securities issued by a municipality; providing that a pledge of allocable local revenues for the payment of a revenue security does not cause the revenue security to become a debt of the state; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 404—An Act relating to public officers; authorizing a specialized or local ethics committee to require the filing of a statement of financial disclosure; revising the required contents of and the date on which annual statements of financial disclosure must be filed; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 65.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 63.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 5 as sections 1 through 4.

Amend sec. 2, page 1, by deleting lines 22 through 25 and inserting: "tion by the superintendent that the applicant is qualified, a] *A* license must be issued to [the applicant.] *an applicant if the superintendent determines that the applicant is qualified and:*

(a) The reports on the criminal history of the applicant from the Federal Bureau of Investigation and the central repository for Nevada records of criminal history do not indicate that the applicant has been convicted of a felony or any offense involving moral turpitude; or

(b) The superintendent determines, in his discretion, that any conviction indicated in the reports on the criminal history of the applicant is unrelated to the position within the county school district for which the applicant applied.".

Amend sec. 3, page 2, line 15, by deleting: "*section 1 of this act*" and inserting: "*paragraph (d) of subsection 6 of NRS 179A.075*".

Amend sec. 5, pages 3 and 4, by deleting lines 47 and 48 on page 3 and lines 1 through 9 on page 4, and inserting:

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

(1) Has applied to the superintendent of public instruction for a license;

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

(3) Is employed by a county school district,

and notify the superintendent of each county school district and the superintendent of public instruction if the investigation of the central repository indicates that the person has been arrested for or convicted of a felony or any offense involving moral turpitude.

(e) On or before the first day of each month, notify the superintendent of each county school district by providing him with a list of all persons:

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

(2) Employed by a county school district whose fingerprints were sent previously to the central repository for investigation,

who the central repository's records indicate have been arrested for or convicted of a felony or any offense involving moral turpitude since the

central repository's initial investigation. The superintendent of each county school district shall determine whether further investigation or action by the district is appropriate.".

Assemblyman Harrington moved the adoption of the amendment.

Remarks by Assemblyman Harrington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 39.

Bill read second time and ordered to third reading.

Senate Bill No. 111.

Bill read second time and ordered to third reading.

Senate Bill No. 112.

Bill read second time and ordered to third reading.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:58 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 92, 110, 125, 151, 185, 186, 262, 272; Senate Bill No. 61 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Harrington moved that Assembly Bill No. 65 be re-referred to the Committee on Ways and Means.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bill No. 146.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Lexie Turner.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Gessing.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Randi Korman and Ja Quanna Jackson.

On request of Assemblyman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Minyon Hayes.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Tracy Pierce.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Stephanie Notter and Connie Scherschel.

On request of Assemblymen Dini and Hettrick the privilege of the floor of the Assembly Chamber for this day was extended to Amelia Rogers, Lisel Volberding and the following Girl Scouts of America: Alisha Armstrong-Teaks, Cassidy Babineau, Kayla Baker, Amanda Barkdull, Kelly Bergman, Rachel Boyles, Kendra Brown, Sarah Buchner, Naomi Buser, Erica Cantlin, Sena Clements, Denise Costanza-Wartry, Shauna Cotrell, Alicia Crum, Becca Donato, Katherine Ehrlich, Jessica Elbert, Shasta Elerick, Kristen Etcheto, Laura Evasovic, Nicole Faust, Hannah Filbin, Katrina Flanders, Beverly Fleming, Melody Furman, Jessica George, Elisabeth Greenwood, Danielle Haaglund, Sarah Harvey, Lauren Hayes, Karalyn Heath, Kimberly Hickinbotham, Melissa Higgins, Anne Hurley, Shasta Inman, Melissa Izatt, Leona Johnson, Vanessa Jordan, Megan Keller, Angela Law, Kellie Linn, Nicole Mandoki, Heather Marren, Heather Martinez, Stephanie McAvoy, Cassie McMurray, Danielle Moe, Alicia Munson, Patty Neumann, Kama Newbry, Tara Nichols, Lorell Overman, Jennifer Palin, Karrie Parman, Aurora Partridge, Danielle Peterson, Christina Price, Shannon Price, Ashley Qualls, Rebekah Quam, Candice Rausch, Jenna Reed, Lauren Reeser, Katie Ripley, Laura Rittgers, Shiree Rollins, Allison Root, Lisa Roullard, Melissa Santor, Kimberli Scott, Allison Shell, Kristen Simms, Beth Stambaugh, Miranda Stephens, Rebekah Stetson, Jenna Stewart, Jenny Stewart, Kristina Stewart, Elise Stone, Melissa Stuhff, Mackenzie Taylor, Laura Thiel, Rachel Tolbert, Gail Townsend, Marie Tully, Alica Washburn, Sunny Westover, Shontae Williamson, Emily Wilson, Sarah Wise and Jessica Wulfert.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Carson High School: Becky Hardt, Matt Dillahunty, Mellissa Pantazoplos, Carla Mitchell, Ryan Leach, Mike Weber, Jason McNatt, Todd Foley, Jessica Ostrander, Jessica Marable, Christopher Miller, Kyshia Harris, Amber Pinlock, Alicia Reed, Anne Quoilin, Lena Cook, Senta Maffei, Regina Carlton, Christina Jenkins, Ami Liebermann, Katrina Homer, Cassie Amtoft, Amy Humphrey, Kelly Fischer, Jill Nichols, Eric Thornton.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Krista Leigh Schmitz.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Shannon Roark.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Bjur.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Kara Bjur.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Emily Loda.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Baumann.

On request of Assemblyman Monaghan, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Sanderson.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah Morris.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Beasley.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Jessica Neyman and Jo Briggs.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Audra Brennan.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Pamela Nickell.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Celeste Watness.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Becker, Walli Ahlstrom and Robert Ahlstrom.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Erica Olson.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Sarah McDonnell.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, March 28, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTY-SECOND DAY

CARSON CITY (Tuesday), March 28, 1995

Assembly called to order at 11:08 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Giunchigliani, who was excused.

Prayer by the Chaplain, The Reverend Ken Haskins.

Let us pray: Our Heavenly Provider, You are the giver of every good and perfect gift. Bestow upon these servants of the people the understanding and wisdom, the courage and the strength, the determination and perseverance, the moral fortitude and a spirit of cooperation in order that they might perform well the tasks set before them this day. We pray in the Name of the One who is Your unspeakable gift. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 191, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA TIFFANY, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 27, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 197, 201, 207.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolutions Nos. 15, 16.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 15.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Taxation.

Motion carried.

Senate Joint Resolution No. 16.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Close, Steel, Braunlin, Arberry, Ernaut, Manendo, Sandoval, Stroth, Humke, Lambert, Batten, Chowning, Harrington, Nolan, Bennett, Goldwater, Spitler, Tiffany, Marvel, Fettic, Allard, Ohrenschall, Brower, Anderson, Tripple and Bache:

Assembly Bill No. 405—An Act relating to crimes; revising provisions prohibiting the sexual exploitation of children; providing a penalty; increasing the penalty for possessing child pornography; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Allard, Nolan, Bennett, Manendo, Steel, Anderson, Sandoval, Carpenter, Ohrenschall, Segerblom, Giunchigliani, Ernaut, Marvel, Arberry, Tiffany, Evans, Price, Hettrick, Perkins, Close, Chowning, Harrington, Spitler and Fettic:

Assembly Bill No. 406—An Act making a contingent appropriation to Clark County for improvements to the fairgrounds for the Clark County fair; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 407—An Act relating to the state treasurer; authorizing the state treasurer to negotiate the payment of compensation for certain banking services; transferring the duties of the division of unclaimed property of the department of business and industry to the state treasurer; authorizing the state treasurer to appoint and employ certain deputies and assistants; including the state treasurer as a member of the public employees' retirement board; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 408—An Act relating to public records; categorizing certain records as public records; limiting the disclosure of certain records; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 409—An Act relating to state grazing boards; limiting the use of money derived from grazing fees and leases; providing for the

appointment of one member of each state grazing board by the governor; requiring the boards to comply with statutory requirements for open meetings; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Williams, Arberry, Anderson, Freeman, Manendo, Bache, Buckley, de Braga, Krenzer, Segerblom, Perkins, Chowning and Schneider:

Assembly Bill No. 410—An Act relating to divorce; increasing the additional fee for the commencement of an action for divorce; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Buckley, Anderson, Spitler, Bache, Segerblom, Dini, Perkins, Williams, Krenzer, Freeman, Ohrenschall, Goldwater, Arberry, Sandoval, Ernaut, Price, Chowning, Manendo, de Braga, Neighbors, Evans, Braunlin, Stroth, Carpenter and Tripple:

Assembly Bill No. 411—An Act relating to private postsecondary education; revising the amount of the surety bond required of certain private postsecondary educational institutions; and providing other matters properly relating thereto.

Assemblyman Buckley moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Buckley, Anderson, Giunchigliani, Evans, Spitler, Manendo, Segerblom, Bache, Dini, Williams, Perkins, Freeman, Ohrenschall, Krenzer, Goldwater, Arberry, Sandoval, Ernaut, Price, Schneider, Steel, Close, Monaghan, Lambert, Fettic, Stroth and Carpenter:

Assembly Bill No. 412—An Act relating to contests of election; requiring that certain candidates whose elections have been contested be seated until the election contests are decided; and providing other matters properly relating thereto.

Assemblyman Buckley moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 197.

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

Motion carried.

Senate Bill No. 201.

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

Motion carried.

Senate Bill No. 207.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 92.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Assembly Bill No. 92:

YEAS—38.

NAYS—Arberry, Price, Williams—3.

Absent—Giunchigliani.

Assembly Bill No. 92 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 110.

Bill read third time.

Remarks by Assemblyman Stroth.

Roll call on Assembly Bill No. 110:

YEAS—41.

NAYS—None.

Absent—Giunchigliani.

Assembly Bill No. 110 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 125.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 125:

YEAS—41.

NAYS—None.

Absent—Giunchigliani.

Assembly Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 151.

Bill read third time.

Remarks by Assemblyman Stroth.

Roll call on Assembly Bill No. 151:

YEAS—40.

NAYS—Buckley.

Absent—Giunchigliani.

Assembly Bill No. 151 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 185.
Bill read third time.
Remarks by Assemblyman Monaghan.
Roll call on Assembly Bill No. 185:
YEAS—41.
NAYS—None.
Absent—Giunchigliani.

Assembly Bill No. 185 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 186.
Bill read third time.
Remarks by Assemblyman Ohrenschall.
Roll call on Assembly Bill No. 186:
YEAS—41.
NAYS—None.
Absent—Giunchigliani.

Assembly Bill No. 186 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 195.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 195:
YEAS—41.
NAYS—None.
Absent—Giunchigliani.

Assembly Bill No. 195 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 262.
Bill read third time.
Remarks by Assemblyman Nolan.
Roll call on Assembly Bill No. 262:
YEAS—39.
NAYS—Evans, Manendo—2.
Absent—Giunchigliani.

Assembly Bill No. 262 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 272.
Bill read third time.
Remarks by Assemblymen Marvel and de Braga.
Conflict of interest declared by Assemblyman de Braga.

Roll call on Assembly Bill No. 272:

YEAS—40.

NAYS—None.

Absent—Giunchigliani.

Not voting—de Braga.

Assembly Bill No. 272 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bills Nos. 39, 61, 111, 112 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:42 a.m.

ASSEMBLY IN SESSION

At 11:54 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 13.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 101.

Amend section 1, page 1, line 1, by deleting "At the" and inserting: "1. At the".

Amend section 1, page 1, by deleting lines 7 and 8 and inserting: "not more than $20,000,000.

2. If the proposal is carried, the state board of examiners shall issue general obligation bonds of the State of Nevada in a total face amount of not more than $20,000,000. The bonds may be issued at one time or from time to time. The expenses related to the issuance of bonds pursuant to this section must be paid from the proceeds of the bonds, and must not exceed 2 percent of the face amount of the bonds sold.

3. The provisions of the State Securities Law, contained in chapter 349 of NRS, apply to the issuance of bonds pursuant to this section.".

Amend sec. 3, page 1, line 19, by deleting "The" and inserting: "After deducting the expenses relating to the issuance of the bonds, the".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. The legislature finds and declares that the issuance of securities and the incurrence of indebtedness pursuant to this act are for the protection and preservation of the natural resources of this state and for the purpose of obtaining the benefits thereof, and constitute an exercise of the authority conferred by the second paragraph of section 3 of article 9 of the constitution of the State of Nevada.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 139.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 161.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 214.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 286.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 295.

Bill read second time, ordered engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Ed Davis.

On request of Assemblyman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Glinda R. Bullock.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Edith Isidoro-Mills.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Dave Willis.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Dale Capurro.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Davis.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Carson High School: Chris Heath, Jeramiah Brown, Chanell Clark, James Cooper, Kenneth Crafton, Keri Dover, Laurana Ellis, Jason Farnham, Christina Garcia, Bart George, Jodi Henderson, Kyle Higday, Laura Isaacson, Amy Lewis, James Mayo, Jeremiah McBroome, Dale Miller, Lesley Olson, Erick Ortiz, Michele Putt, Mary Ann Raub, Stephanie Streenan, Ashley Svensson, Dale Barbee, Jonathan Bauter, Katherine Canonigo, Ric Casper, Thi Dao Cam, Clint Euse, Brett Faike, Jaime Garcia, Stanley

Gibbs, Jill Hammons, John Hodges, Sarah Houghton, Brandon Jackson, Jeremy Johnson, Jeffrey Kang, Andrea Krueger, Natalie Niederost, Kelly Peters, Kristen Peters, Matthew Plume, Andrea Ricci, Joanna Schaefer, David Sevilla, Justin Shufelt, Jason C. Smith, Lindsay Stuab, Michael Stucker, David Webster, Tim Allen, Brian Baum, Sarah Briddy, Stacey Buttner, Brad Crowell, Erika De Flyer, Christina Di Loreto, Gina Eilenfeldt, Cheryl Freeman, Rachel Garfin, Ryan Johnson, Nayab Mahaum, Caitlin McCarthy, Tiffany McMacken, Robert Parish, April Peters, Jeff Peters, Kimberly Reid, Rebecca Rose, Scott Shaw, Domminic Sinnott, Mark Souder, Howie Stockton, Jonlynn Syrotynski, Trisha Van Ausdal, Jesse Viner, Colleen Aalbers, Andy Ailes, Mandi Baker, Jennifer Boland, David Bradshaw, Jeremy Cherpeski, Matthew Christianse, Steven Dalton, Susan Dorr, Annie Etchegoyhen, Michael Fox, Bret Grover, Max Gundlach, Stephanie Hardie, Robert Heaton, Erin Helseth, Jenny Katzorke, Ben Keilholtz, Ryan Kindred, Cathy Marty, Tracie Matorian, Courtney Meibergen, Kim Moell, Scott Morrison, Melissa Moseley, Ila Panik, Jeffrey Spencer, Robert Stoddard, Chiara Sulprizio, Michael Sura, Robin Suwe, Duston Thompson, Daniel Tijerina, Tori West, Jon Wilson and Tammy Yoon; teacher John Sullivan.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Sean Doak and Paula Vincent.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Fran Zito and Cassandra Little.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Saira Zaidi.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer R. Smith.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Offutt.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Rosalie Clark.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Connie Greco.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Levin.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Charlene Eley.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Suzann Denton-Pratt.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Poage.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Bitonti and Linda Inman.

Assemblyman Ernaut moved that the Assembly adjourn until Wednesday, March 29, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:11 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTY-THIRD DAY

CARSON CITY (Wednesday), March 29, 1995

Assembly called to order at 11:11 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Murray.

Our Father, we thank You for this opportunity and privilege to come to You with our praise and petition. We ask for wisdom and courage to do those things which would best please You and benefit the people. Bless each of these men and women today; bless their families; keep them safe, and most of all, give them Your heart and mind on the important matters facing them today.

We pray these things in Your Name, Mighty God! AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 285, 294, 337; Senate Bill No. 124, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

WENDELL WILLIAMS, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Taxation:

Assembly Concurrent Resolution No. 17—Directing the Department of Taxation to review and revise regulations governing the collection of taxes on the retail sale of food prepared for immediate consumption.

Assemblyman Stroth moved that the resolution be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Ernaut, Neighbors, Hettrick, Tiffany, Braunlin, Lambert, Nolan, Harrington, Tripple, Bennett, Marvel, Humke, Close, Stroth, Carpenter, Batten, Steel, Allard, Brower, Sandoval, Monaghan and Fettic:

Assembly Resolution No. 8—Expressing disapproval of certain recent actions of the Governor and Attorney General of the State of Nevada.

Resolution read.

Assemblyman Ernaut moved that Assembly Resolution No. 8 be made a Special Order of Business for Thursday, March 30, 1995, at 11:30 a.m.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 413—An Act relating to roads; authorizing local governments and the director of the department of transportation to establish toll roads and toll bridges; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 414—An Act relating to taxation; requiring transfer of money by a school district to other local governments if the tax rate required to repay bonds of the school district would cause the total overlapping tax rates to exceed the statutory limit; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 415—An Act relating to the tax on special fuel; requiring special fuel suppliers to collect the tax on special fuel from purchasers at the terminal rack; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 416—An Act relating to property taxes; revising the provisions governing the assessment and depreciation of property designated as historic; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 417—An Act relating to sheriffs; increasing the amount of the fees which may be charged by sheriffs; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 418—An Act relating to taxation; revising provisions governing the distribution of supplemental city-county relief tax to exclude certain districts; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 419—An Act relating to motor vehicles; requiring that the money collected from the fee imposed on short-term leases of passenger cars be deposited in the state highway fund; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 420—An Act relating to motor vehicles; revising the provisions relating to the fees for the registration of certain motor vehicles; imposing an additional tax on the special fuel used by certain vehicles operated by a special fuel user; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 421—An Act relating to the tax on special fuel; revising the rate of tax on the sale or use of liquefied petroleum gas; eliminating the conversion factor for liquefied petroleum gas used in the calculation of the tax on special fuel; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 422—An Act relating to motor vehicles; abolishing the limitation on the amount of revenue collected by the department of motor vehicles and public safety which may be used to administer and collect certain fees and charges; abolishing the highway patrol special account; abolishing the limitation on the fees that may be charged by the department of transportation for the issuance of permits authorizing the operation of oversize or overweight vehicles; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 423—An Act relating to taxation; transferring the responsibility for the collection of taxes and fees imposed on certain fuel from the department of taxation to the department of motor vehicles and public safety; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Arberry, Williams, Segerblom, Perkins, Price, Buckley, Krenzer, Bache, Anderson, Chowning, Goldwater, Ohrenschall, Freeman, Evans, de Braga, Neighbors, Manendo and Giunchigliani:

Assembly Bill No. 424—An Act relating to disparity studies; requiring certain persons to conduct studies to determine certain statistical disparities and report the results to the legislature; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Assembly Bill No. 175 be placed on the Second Reading File.

Motion carried.

Assemblyman Segerblom moved that Assembly Bill No. 216 be taken from the Chief Clerk's desk and placed on the General File immediately following Assembly Bill No. 295.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 191.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 156.

Amend sec. 2, page 1, by deleting lines 3 through 8, and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 3, page 1, line 10, by deleting "*false*" and inserting "*incorrect*".

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

"An Act relating to trade practices; providing for the amendment of a certificate of registration".

Assemblyman Tiffany moved the adoption of the amendment.

Remarks by Assemblyman Tiffany.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 175.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 131.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 387.1233 is hereby amended to read as follows:

387.1233 1. Except as otherwise provided in subsection 2, basic support of each school district must be computed by:

(a) Multiplying the basic support guarantee per pupil established for that school district for that school year by the sum of:

(1) [Six-tenths the] *The* count of pupils enrolled in the kindergarten department on the last day of the first school month of the school year.

(2) The count of pupils enrolled in grades 1 to 12, inclusive, on the last day of the first school month of the school year.

(3) The count of pupils not included under subparagraph (1) or (2) who are receiving special education pursuant to the provisions of NRS 388.440 to 388.520, inclusive, on the last day of the first school month of the school year, excluding the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on that day.

(4) Six-tenths the count of pupils who have not attained the age of 5 years and who are receiving special education pursuant to subsection 1 of NRS 388.490 on the last day of the first school month of the school year.

(5) The count of children detained in detention homes, alternative programs and juvenile forestry camps receiving instruction pursuant to the provisions of NRS 388.550, 388.560 and 388.570 on the last day of the first school month of the school year.

(b) Multiplying the number of special education program units maintained and operated by the amount per program established for that school year.

(c) Adding the amounts computed in paragraphs (a) and (b).

2. If the sum of the counts prescribed in paragraph (a) of subsection 1 is less than the sum similarly obtained for the immediately preceding school year, the larger sum must be used in computing basic support.

3. Pupils who are excused from attendance at examinations or have completed their work in accordance with the rules of the board of trustees must be credited with attendance during that period.

4. Pupils who are incarcerated in a facility or institution operated by the department of prisons must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department of education.

5. Part-time pupils who are enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high

school diploma must not be counted for the purpose of computing basic support pursuant to this section. The average daily attendance for such pupils must be reported to the department.".

Amend section 1, page 1, by deleting lines 9 through 11 and inserting: "children. *If the board decides not to establish such a kindergarten, it may:*

(a) Provide transportation for those children to enable them to attend kindergarten in another school; or

(b) Provide, by agreement with a child's parent or guardian, an authorized program of kindergarten instruction that may be offered in the home. Such a program must provide for consultation by the child's parent or guardian with assigned licensed educational personnel for assistance as necessary.".

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

Amend sec. 3, page 2, line 45, by deleting "*5*" and inserting "*6*".

Amend sec. 3, page 3, by deleting lines 1 through 21 and inserting:

"2. *Any child who will arrive at the age of 5 years by September 30 may be admitted to kindergarten at the beginning of the school year and his enrollment must be counted for purposes of apportionment.* Any child who will arrive at the age of 6 years by September 30 must be admitted *at the beginning of the school year* to a regular school program [, and may] *and his enrollment must be counted for purposes of apportionment. Such a child must be admitted to kindergarten, unless he has completed kindergarten or the results of a developmental screening test indicate his readiness for first grade, in which case he must* be admitted to the first grade . [at the beginning of the school year, and his enrollment must be counted for apportionment purposes.] If a child will not arrive at the age of [6] *5* years by September 30, the child must not be admitted to [the first grade] *kindergarten* until the beginning of the school year following his [sixth] *fifth* birthday.

3. Whenever a child who has arrived at the age of [6] *5* years but not at the age of [7] *6* years is enrolled in a public school, each parent, guardian or other person in the State of Nevada having control or charge of the child shall send him to the public school during all the time the school is in session. This requirement for attendance does not apply to any child under the age of [7] *6* years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.

4. A child who becomes a resident of this state after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade he was attending or would be attending had he remained a resident of the other state regardless of his age unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

5. Each school district shall, upon request from the child's parent or guardian, perform a developmental screening test on a child who will arrive at the age of 6 years by September 30 of the next school year to determine the

child's developmental readiness for a regular school program. The school district shall report the results of any such screening test to the child's parent or guardian.".

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 4.

Amend the title of the bill to read as follows:

"An Act relating to education; revising the manner in which the basic support guarantee per pupil is established; requiring the completion of kindergarten as a prerequisite for admission to first grade; and providing other matters properly relating thereto.".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 147, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 139.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 139:

YEAS—42.

NAYS—None.

Assembly Bill No. 139 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 161.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 161:

YEAS—41.

NAYS—Ernaut.

Assembly Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 214.

Bill read third time.

Remarks by Assemblymen Lambert, Price and Giunchigliani.

Roll call on Assembly Bill No. 214:

YEAS—40.

NAYS—Buckley, Perkins—2.

Assembly Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 286.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 286:

YEAS—42.

NAYS—None.

Assembly Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 295.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 295:

YEAS—42.

NAYS—None.

Assembly Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 216.

Bill read third time.

The following amendment was proposed by Assemblyman Segerblom:

Amendment No. 139.

Amend section 1, page 1, by deleting lines 24 and 25 and inserting:

"*(a) The clerk and president of the board of trustees may each receive a salary of $85 for each day they attend a meeting of the board of trustees or otherwise attend to the business of the board, not to exceed $510 per month.*

(b) The other trustees may each receive a salary of $80 for each day they attend a meeting of the board of trustees or otherwise attend to the business of the board, not to exceed $480 per month.".

Amend section 1, page 2, line 1, by deleting "*(b)*" and inserting "*(c)*".

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 39.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 39:

YEAS—42.

NAYS—None.

Senate Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 61.

Bill read third time.

Remarks by Assemblymen Buckley, Arberry and Price.

Roll call on Senate Bill No. 61:

YEAS—42.

NAYS—None.

Senate Bill No. 61 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 111.

Bill read third time.

Remarks by Assemblyman Buckley.

Roll call on Senate Bill No. 111:

YEAS—42.

NAYS—None.

Senate Bill No. 111 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 112.

Bill read third time.

Remarks by Assemblyman Buckley.

Roll call on Senate Bill No. 112:

YEAS—42.

NAYS—None.

Senate Bill No. 112 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 216 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Perkins moved that the Assembly recess until 2 p.m.

Motion carried.

Assembly in recess at 12:15 p.m.

ASSEMBLY IN SESSION

At 2:25 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 29, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 138.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Assembly Concurrent Resolution No. 2.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 304, 305.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Concurrent Resolution No. 10.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Fettic, Hettrick, Dini, Tiffany, Evans, Ernaut, Perkins, Humke, Anderson, Arberry, Williams, Segerblom, Giunchigliani, Price, Allard, Sandoval, Harrington, Steel, Monaghan, Bennett, Spitler, Marvel, Batten, Close, Braunlin, Brower, Carpenter, Neighbors, de Braga, Goldwater, Ohrenschall, Bache, Schneider, Buckley, Manendo, Tripple, Lambert, Krenzer, Chowning, Freeman, Stroth and Nolan:

Assembly Bill No. 425—An Act relating to drivers' licenses; requiring the department of motor vehicles and public safety to suspend the drivers' licenses of persons who are in arrears in the payment for the support of children; authorizing the department to issue restricted licenses to those persons; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Fettic moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

Senate Bill No. 304.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 305.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of E. W. Fritsch Elementary School: Holly Holmes, Lee Liston, Jose Castaneda, Sylvia Cervantes, Alexander Dreiling, Deborah Duffy, Yesica Garcia,

Anthony Green, Rachelle Grey, Robert Hedrick, Timothy Hohl, Kiersten Johnson, Andrew Kapczynski, Todd McGinley, Adrian Munoz, Sheilagh Rutledge, Stephany Seeley, April Thompson, Bryan Upton, Brandon Waterman, Kasse Weikel, Christopher Dominguez, Harish Ashok and Yessica Perez; teacher Mrs. Armstrong.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Milissa Rucker, Lindsey Rucker, Susan Rucker, Lois De Forrest, Doug De Forrest, Cristina De Forrest, Mac Kenzie Carpenter and Jenna Carpenter.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to the following women of Incline Village Republican's Group: Ann Conway, Sandy Masters, Marcia Dowell, Joann McGuerry, Toffee Leftwich, Lorraine Jackson, Karin Traill, Sue Dale, Joanne McAteer, Katie Dimick, Peggy Winner, Merdene Hess, Judy Spees, Sandra Mendelsohn and Gert Rickse; the following students of Caughlin Ranch Elementary School: Robert D. Addi, Duncan G. Burke, Aaron A. Duff, Matthew D. Evasovic, Emma L. Fulkerson, Joshua D. Green, Jessica R. Guild, Imani Hahn, Kristen D. Kukler, Michael D. McQueary, Eric D. Palosaari, Laurie A. Porter, Uptin Saiidi, Peter S. Sebaaly, Ryan J. Thorpe, Robert P. Wedertz, Crystal Wlodarczyk and Amerika A. Young; teacher Loreen Andrews.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Gardnerville Elementary School: Alexandria Artzer, Michele M. Cofano, Stacey L. Conner, Jenny Drew, Quinton T. Figueroa, Travis Frega, Tyler J. Hales, Edward R. Hanks, Erik W. Henie, Sara L. Henningsen, Adam P. Johnson, Zachary A. Johnson, Taryn Joyce-Mendive, Aaron C. Kozlowski, Eric S. Marchant, Jamie M. McLeod, Levi B. Mellows, Daniel R. Molina, Timothy P. O'Brien, Jessica Pruyn, Micah Pullin, Madison K. Reynolds, Kim Roe, Heather Rowe, Amber N. Serrato, Megan L. Sigler, Tristan Tio, Jon J. Trent, Elyse W. Alley, Brittany Anderson, Ashley E. Arneson, Craig L. Bell, Joseph Brown, Jason G. Bullard, Kellie Cottrell, Brandon G. Darrough, Ambaer Di Fede, Laura L. Eatherly, Robert A. Erb, Logan Foster, Mirella Gomez, Kaitylne E. Gorrindo, Grant G. Hall, Travis J. Hook, Jonathan Iguado, Elizabeth A. Janssen, Breanne Q. Jarrett, Michael P. Kessler, Noelle Lee, Kyle I. McDougal, Austin N. Miller, Joshua Otto, Michelle K. Pierce, Ashley Spicer, Diana Talbot and Elisha B. Webb; teachers Elizabeth Hull and Roxanna McClurg; chaperones Lori Cofano, Debbie Serrato, Barbara Drew, Cheri Johnson, Regina Erb, Linda Darrough and Lynn Crossman.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Melvin Turner.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to B. J. Thomas, Samuel Shahan and Ed Zimmer.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Carl C. Wikstrom and Caral Lee Conte.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Derbyshire.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, March 30, 1995 at 10:45 a.m.

Motion carried.

Assembly adjourned at 2:43 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTY-FOURTH DAY

CARSON CITY (Thursday), March 30, 1995

Assembly called to order at 10:56 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

O God of love and mercy, light and truth: We ask Your blessing upon this Assembly. Be ever so near that Your presence will help each representative according to his or her specific needs. Guide these servants of Yours in order that their time will be productive and their work will be beneficial to all. Hear our prayer in Jesus' Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Concurrent Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

SANDI KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDI KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 346, 357, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 29, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 15.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 12.

Assemblyman Krenzer moved the adoption of the resolution.

Remarks by Assemblyman Krenzer.

Resolution adopted.

Senate Concurrent Resolution No. 15.

Assemblyman Sandoval moved the adoption of the resolution.

Remarks by Assemblyman Sandoval.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 426—An Act making a supplemental appropriation to the committee to hire the handicapped of the department of employment, training and rehabilitation for certain personnel expenses in the Las Vegas office; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Ohrenschall, Segerblom, Krenzer, Perkins, Spitler, Neighbors, Steel, Stroth, Humke, Anderson, Buckley, Monaghan, Manendo, Goldwater, Batten, Sandoval, Carpenter, Chowning, Close, de Braga, Schneider, Allard, Braunlin, Harrington, Evans, Giunchigliani, Freeman, Nolan, Brower, Bache, Fettic and Dini:

Assembly Bill No. 427—An Act relating to prisons; requiring the notification of certain persons before the release of an offender convicted of specified crimes related to children; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 147.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 189.

Amend section 1, page 2, line 21, by deleting: "[Fifty cents] *One dollar*" and inserting "Fifty cents".

Amend the title of the bill by deleting the sixth and seventh lines and inserting: "license agent's authority; and providing other matters properly relating thereto.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 285.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 294.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 337.
Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 124.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 13.
Bill read third time.
Remarks by Assemblymen Fettic, Ernaut, Carpenter and Hettrick.
Roll call on Assembly Bill No. 13:

YEAS—40.
NAYS—Harrington, Steel—2.

Assembly Bill No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that the Assembly resolve itself into a Committee of the Whole for the purpose of considering Assembly Resolution No. 8, with Assemblyman Hettrick as Chairman of the Committee of the Whole.
Motion carried.

IN COMMITTEE OF THE WHOLE

Assemblyman Hettrick presiding.
Assembly Resolution No. 8 considered.
The Committee of the Whole was addressed by Frankie Sue Del Papa, Attorney General for the State of Nevada; Harry Swainston, Assistant

Attorney General; Yvonne Culverwell, Lincoln County Commissioner; Mary Lee Dazey, Bob Fulkerson and Glenn Van Roekel, Caliente City Manager.

On motion of Assemblyman Ernaut, the committee did rise, and report back to the Assembly.

ASSEMBLY IN SESSION

At 1:53 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee of the Whole has considered Assembly Resolution No. 8.

LYNN HETTRICK, *Chairman*

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that remarks made during the Committee of the Whole be entered in the Journal.

FRANKIE SUE DEL PAPA:

Members of this Honorable Body: I sincerely appreciate the opportunity to appear before you today. This is the first time in my career that I have been extended such an invitation. I had not expected it to be in the context of defending an action that I had taken in my official capacity as Attorney General. Be that as it may, I will be brief—because there are other voices that should be heard.

Please don't kid yourselves and don't think that Nevadans will be fooled either . . . today's vote is not, I repeat, it is not about free speech. Today's vote is related to one of the most important state public policy issues that we as Nevadans will ever have to deal with, an issue which most certainly concerns the public safety of all of our citizens, and an issue directly and indirectly concerned with the continued economic vitality of the entire State of Nevada, not just the residents of Lincoln County.

Nevada's economic health is inextricably tied to our gaming and tourism industry. Not only is it our major industry, representing one out of every four jobs, it is also our primary economic driver. The rapid growth experienced in recent years, especially the latter part of the 1980s and 1990s, is largely the result of the construction and subsequent opening of megaresorts. Today, we are on the verge of yet another boom as corporate America is again betting big bucks on Nevada's future (i.e., the recent announcements of plans to start construction on MGM Grand's New York-New York, the Mirage-Gold Strike's Victoria and the Mirage's Beau Rivage).

Nevada is the economic envy of the nation. We are currently the fastest growing state in just about every major economic indicator (population, employment, personal income, housing starts, etc.). In addition to adding jobs in the gaming/tourist sector itself, it is conservatively estimated that for every job generated here another job is created elsewhere in the economy. In the last 12 months alone this process produced over 55,000 new jobs.

Nevada's fiscal well-being is also directly tied to gaming and tourism. Gaming revenues alone account for 43 percent of the state's general revenue and it is estimated that tourists contribute some 20–25 percent of sales tax revenue. Combined, tourist spending easily generates over 50 percent of state revenues.

Both the statistics presented and common sense make it abundantly clear just how critical gaming and tourism are to Nevada. Any threat to this sector of our economy is a threat to all of Nevada.

The recent actions by Lincoln County officials are such threats. The specter associated with a nuclear waste dump, whether real or imagined, could have a significant adverse impact. The decision to invest millions of dollars and, in some cases, billions in

megaresorts is predicated on the belief that tourists will continue to flock to Nevada in ever-increasing numbers. The storing of deadly nuclear waste some 85 miles away from Las Vegas (home to 75 percent of the state's gaming and tourism workers) would in all probability have significant adverse impacts.

Now remember, 90 percent of the high-level radioactive waste generated in our nation originates east of the Mississippi River. Putting aside the very real transportation issues associated with delivering this to our state, some of DOE's own scientists have expressed grave concern about its ultimate storage in Nevada. This month alone, there have been two important *New York Times* newspaper articles discussing major problems with placing high-level radioactive waste in Yucca Mountain. The March 5 issue reported that two Los Alamos National Laboratory scientists believe that waste stored in Yucca Mountain is likely, in time, to explode with the force of atomic and perhaps hydrogen bombs. The *New York Times* March 23 issue indicated this theory was confirmed by three of DOE's own Savannah River scientists. Time does not permit a full discussion of the other public safety issues such as earthquakes and water. Suffice it to remind ourselves, Nevada ranks third in the nation relative to earthquake occurrence (after Alaska and California); or that reportedly the Skull Mountain earthquake in June 1993, did a million dollars worth of damage to the Test Site.

Coupled with all of this is the long and involved history of our state's dealings primarily with the Department of Energy. This has been an ongoing relationship which can, at best, be described as heavy-handed and at worst, be described as deceitful and untrustworthy on DOE's part. The bottom line, however, is this is a very complex legal and factual relationship involving federal laws, rules and regulations, and millions of pages of documents, and many complicated court cases involving matters of a highly technical nature.

Into this picture step some of Lincoln County's officials.

During the Lincoln County Board of Commissioners meeting on March 6, 1995, the City Manager of Caliente was asked how the idea of the interim storage facility at Elgin got started. He responded that it was his idea on a return flight in late November from Minnesota. He and a few other city and county officials had been attending meetings with nuclear industry and state nuclear utility regulatory groups. Until we have the opportunity to take the deposition of the City Manager, we will not know exactly what he was told. We do know that 14 nuclear utilities and 20 states sued the Department of Energy last year to force the DOE to take title to the spent fuel at nuclear power generating reactor sites and take it off their hands by January, 1998. The DOE has resisted their claims. We also know that the program to site a repository at Yucca Mountain is in a state of disarray. U.S. Senator Murkowski, Chairman of the Senate Energy and Natural Resources Committee, in a March 2, 1995, hearing, said that there is less than a 50–50 chance that the Yucca Mountain site can be licensed. Upon the City Manager's return to Nevada the Joint City/County Impact Alleviation Committee chaired by the City Manager entered the picture. In the Committee's December 15, 1994, meeting, the members approved the concept advanced by the City Manager and almost immediately published a report, The Yucca Report, which advised the Caliente City Council and the Board of Lincoln County Commissioners to seek modifications of the Nuclear Waste Policy Act. The Committee recommendation became almost verbatim the language of the resolution which was first considered on January 3, 1995, and approved that day by the City Council. The Lincoln County Commissioners also considered the resolution on that day but took no action. Following the City Council's vote a document entitled, "A Citizen's Guide to Recommendations for Maximizing Benefits and Minimizing Risks Associated with State and Industry Proposals to Amend the Nuclear Waste Policy Act," was published.

One of my deputies appeared before the County Commissioners on January 20, and attempted to dissuade them from passing the resolution. On February 6, 1995, the Board again considered the proposed resolution but tabled the matter after vehement public opposition. A letter from the Governor was faxed to the meeting which suggested that the resolution would be in violation of state policy and law and that it would be counter productive to the interests of Nevadans. My office was in telephone contact with the District Attorney during the meeting, and advised him that the approval of the resolution

would be an invitation and encouragement to the Federal Government to violate the state law prohibiting storage of high-level radioactive waste in Nevada. He, in turn, advised each of the Commissioners that my office would seek legal recourse if the resolution was enacted.

On February 16, the City Council again addressed the resolution and again approved it. On February 17, 1995, Lincoln County officials met with staff members of the Governor's Office. The Governor's Chief of Staff stated numerous times, clearly, that nuclear waste is a state-federal issue and that Nevada law does not permit the storage of high-level nuclear waste in the state. The group met also with members of my staff, Brooke Nielsen, the Assistant Attorney General and Harry Swainston, the Senior Deputy assigned to nuclear waste matters, the same day. Because of the press of time caused by airline reservations, a full discussion and exchange of views was not possible. The message was communicated by Mr. Swainston, however, that should the Commissioners approve the resolution inviting the Federal Government to violate state law, two actions would be recommended to the Attorney General, one for removal from office based upon a charge of conspiracy to violate state law and to commit an act injurious to the public health, and the state's trade and commerce and a second action seeking to enjoin the implementation of the resolution.

The day before the meetings in Carson City, February 16, the officials of the City of Caliente and Lincoln County, including Commissioner Ed Wright and Mayor Kevin Phillips, escorted nuclear industry representatives and out-of-state officials to the Elgin site and offered the site as the answer to their interim storage needs.

On Tuesday, February 21, 1995, the two Lincoln County Commissioners, Culverwell and Wright, as a majority, with Commissioner Chamberlain in opposition, approved the resolution and immediately faxed a copy of the resolution to the Secretary of Energy. A comment was made during the Commission meeting by Commissioner Culverwell that something interesting is going to happen in Washington, D.C., on Thursday. She obviously was referring to the introduction by Representative Fred Upton from Michigan of a bill, H.R. 1020, on Thursday, February 23, 1995, which referenced the willingness of a local government in Nevada to host an interim high-level radioactive waste facility. The bill was drafted by a nuclear industry group, the Nuclear Energy Institute, members of which were present in the field trip to the Elgin site. Section 206 of the bill specified that an interim storage facility would be located in Area 25 of the Nevada Test Site unless the DOE determined that it would be appropriate to accept the proposal of an affected unit of government in Nevada that expressed a desire to host such a facility and/or facilities for the handling and transportation of spent nuclear fuel. The facts indicate that an official or officials of the city and county were in continuous contact with nuclear industry representatives before the resolution was enacted. The resolution was simply a formality to finalize a plan to offer up the county as a willing host for the construction and operation of a facility for the interim storage of high-level radioactive waste and facilities for the handling and transportation of spent nuclear fuel.

On March 2, 1995, Mayor Phillips and Commissioner Wright appeared before the Senate Committee on Energy and Natural Resources for the purpose of urging that Senate Bill 167 be amended so that an interim radioactive waste storage facility be developed and operated at the Elgin site rather than the Area 25 site near Yucca Mountain. Hearings on the Upton bill are expected to be conducted before the House Energy and Power Subcommittee as early as May.

In the interest of time, I will only say that I find it very hard to believe that the senators who voted in favor of a similar resolution yesterday, and those of you who may vote affirmatively today, can say with a straight face that this is about free speech. The truth of the matter is that we all know what this is about. The officials of Lincoln County went far beyond constitutionally protected debate and discussions. What is at issue here today is their formal actions.

I have had legislators tell me privately how sorry they are, but publicly that they have to vote with "the family," i.e., the Republican party. I have been told that I should back off or otherwise my office could be impacted (implicitly through the budget process). I am

sorry if that happens to the fine people I work with as a result of our standing up on a complicated legal issue that indeed impacts all Nevadans now and certainly in the future, as well as our state's public safety and economic vitality.

In the interest of all Nevadans, I would respectfully suggest to you that the proper course today is not to condemn me, or the Governor, but rather it would be to reaffirm this body's opposition to the storage of high-level radioactive waste anywhere in Nevada.

Or in the alternative, 'fess up, stop the charade, and if you really do want to change the law of Nevada so that local entities can deal with the feds one on one with total disregard for the rest of us—then do it.

Local governments are not sovereign, they are creatures of this state legislature. It is your decision as to what the proper role of local government is, just as it is your decision as to what message you send today.

When the Attorney General of Nevada takes action designed to reinforce Nevada's opposition to the Yucca Mountain dump and Nevada's legislature will not stand behind her, it sends an unmistakable message to our nation's capital. That message is that the Silver State's long-time unanimity has begun to erode. Is that what you want Washington to hear? And are you prepared to answer to our constituents for the consequences of that message?

The last few days of the 1993 legislative session made it very clear that the nuclear power industry lobby regards the Nevada Legislature as the weak link in our state's stance against the dump. I hope by your votes today you will smash that assumption once and for all.

ASSEMBLYMAN PRICE:

Thank you, Mr. Chairman. I do have a question Madam Attorney General. Thank you for the excellent information. You were talking a little fast to keep notes, but I want to tell you up front so that everyone knows, I do not think that this issue is a throw down the hammer issue. We have friends, elected officials and a duty on both sides of this issue to figure out what is legal and I agree that this is not a freedom of speech issue. I think that this is a legal issue and I tend to think that at this point in time that there may have been people on both sides moving with some either misunderstanding or not understanding everything and I have a question. You went down through a series of various meetings and I was not able to get all of the dates, but I was told this morning by someone and I wanted to ask you and this is the only time to do it. There were obviously a whole series of meetings when your deputy was giving advice and telling the commission what was going to happen if they did this. I was told that at some point in time and I jotted down perhaps on the 20th, but at some point in time that they were advised by a deputy attorney general that a motion would not be, in fact, a violation of the law and I am told that is on video tape and so forth and that is one part of the question. The other part, which is what I am curious about is whether there was written communication, not that it would necessarily be written, but was there, in fact, written communication from your office prior to them taking the final act, whenever that was, February 22nd, or what have you, that in the opinion of your office which I happen to tend to agree that it would be a violation of law instead of free speech. I would never have thought of that until this whole thing came up, but after reading everything I agree and I think any of us here would have fallen into that trap without really thinking, but those are the two questions, were they in fact advised at some point in time that a resolution would not be a violation of law and were they ever advised that it would be a violation of law by right?

MS. DEL PAPA:

Mr. Price, I was not personally present, Deputy Attorney General Harry Swainston, I think is in the best position to answer those questions—that is why I have called him forward to do that. I appreciate your noticing the fact that this is a mischaracterization to characterize this issue as a free speech issue.

HARRY SWAINSTON:

I am a deputy attorney general and have been for nearly 21 years. Mr. Price, in answer to your question, I think this reference was to my appearance before the Lincoln County Commissioners on January 20th, as I recall. At that time, I advised the commissioners

that the resolution itself, per se, did not call for the actual storage of waste in the state, and obviously it doesn't by the very wording of the statute. However, upon looking at this more closely, subsequently, it became apparent that it did contemplate something in the nature of a conspiracy under our statutes which prescribe that a conspiracy is an act by two or more persons to do something that is injurious to the public health, to the trade or commerce, and which is unlawful. I think that probably would be sufficient to answer your question.

ASSEMBLYMAN PRICE:

Thank you, very much. I want to make sure that I understand this. So, there is a possibility that at least at one point in time, there may have been confusion or misunderstanding on even both parts. I can understand that because in any kind of law, if any two people, elected officials or anything else as I see it, got together and said, "Let's take some action or resolution and let's go ask somebody to come in and commit some other crime such as robbery, that would be conspiracy," and I understand that. But, I also can understand the confusion at that point in time. So, there was a period of time before you actually fully studied the resolution that wasn't apparent to you or to them. Now, the second part of the question that I want to ask is, before they took action, were they informed, perhaps in writing, but in any way directly that the attorney general's office did feel that it would be a violation? Before they took action, even if it was an hour before, because I don't know, I'm asking because I don't know and before we finish today I want to have the facts.

MR. SWAINSTON:

Mr. Price, the county commissioners met on February 6th. At that meeting, and during the meeting, I was in a telephone conversation with Mr. Tom Dales who was the district attorney in Lincoln County. At that time, I explained to him that we considered the resolution as a kind of encouragement or an invitation to the Federal Government to violate our law prohibiting the storage of high-level radioactive waste in the state. And, my understanding is that Mr. Dale met with each of the commissioners at that time and advised them of our position and that we would likely seek legal recourse should they proceed. At that hearing, they did defer consideration of the resolution. Later on, of course, in the meeting of February 17th, I made it abundantly clear just exactly what our position was and that was in advance of their meeting on February 21st where they approved the resolution.

ASSEMBLYMAN PRICE:

Okay, so you advised the district attorney on the 6th, and then on the 17th you appeared before the council or whoever and advised them directly, face-to-face. Do I understand that? And, then a couple of days later they actually took the action?

MR. SWAINSTON:

Yes, they came to Carson City on February 17th and met with us. On February 21st, they took the action.

ASSEMBLYMAN PRICE:

Thank you so very much. I appreciate it.

ASSEMBLYMAN CLOSE:

Thank you, Mr. Chairman. I would like to address this to Ms. Del Papa, please. Ms. Del Papa, I am referring to a supplementary communication that you sent to all Senators and Assemblymen dated March 28, 1995. I am referring to page 2, the bottom of page 2. And, my question relates to my interpretation of going from point A to point B. I am not an attorney, so I would like you to take me through this process as how to go from point A to point B. Your comment in the last paragraph states that the proposed resolutions that have been enacted as having no legal effect and only express a sentiment. You then go over the next page and relate that as a result of that you accuse them of violating their oath because they knowingly and willfully failed to bear true faith and allegiance and loyalty to the government and laws in the State of Nevada by taking specific action to obtain an

interim storage facility in Lincoln County. My confusion, Ms. Attorney General, is how we go from something that has basically no legal effect, only sentiment, to those individuals being accused of what I just described.

MS. DEL PAPA:

Assemblyman Close, I think that it is real important and that is why I took such time to take you through all the specific actions that took place here. I think that if you choose to isolate any one thing, that causes problems. I think you have to look at this as an ongoing process, and that is why I took you back even as far as November. And, that is why I say, who among you can really with a straight face tell me that this is a question of debate, that we are out to violate someone's free speech. When you look at the time period that is involved and when you look at the successive action, upon action, upon action. Even when you go beyond the actual passage of the resolution. And, I think you have to look at that whole process when you view this issue and not take one portion of it basically out of context.

MR. SWAINSTON:

Mr. Close, as a supplement to that answer, I think it might be appropriate to recognize that the resolution, I believe that was referred to without having any legal course or effect, would have been the resolution of the Senate yesterday with regard to Senate Resolution No. 4. That is a different resolution, however. That was in fact the intent, a memorandum which I had participated in preparing.

CHAIRMAN HETTRICK:

I see no further questions. The representatives of Lincoln County have 15 minutes if they would like to come down . . . Caliente. Please identify yourself for the record and go ahead.

YVONNE CULVERWELL:

I am Yvonne Culverwell, Vice Chairman, Lincoln County Commission. Unfortunately, I was contacted late last night and do not have a full-time staff to prepare comments, but I will do the best of my ability to try and clear up a few points. Ms. Del Papa is not clear on a number of items that I heard. There are a few misstatements there. I would like to say thank you to all of you who are willing to listen to both sides of the issue and come to your own conclusions about what is going on. It is rather an important issue. Resolution 2-95 I do not believe is the issue here. I personally believe that it is a freedom-of-speech issue. We have an impact alleviation committee in Lincoln County. I sit on the board, the mayor of the city sits on the board and we have citizens who sit on the board. It has been in existence for 10 years and has studied this issue for 10 years in just such an event as what this 104th Congress is likely to do. I have a couple of questions. These are questions that after two years of studying myself, I had these questions when all of this, when the November 8th elections took place and we understood that this 104th Congress was going to do business in a hurry, after gathering much facts, one question was can Congress actually amend the Nuclear Waste Policy Act and override the State of Nevada and the answer was yes. If that is Congress' intent, they can override what the state wishes. The second question is, how many cases has the state actually taken to court that deals with the Yucca Mountain issue? And, I was told somewhere between 12 and 14 cases. I don't have the exact number and if I am wrong perhaps someone here can correct me. Then I asked how many cases has the state won in regard to this issue and I was told one and that had to do with benefits for the state. The next question was, to my ownself and I voiced this to the impact alleviation committee, does the state record give Lincoln County any reason to believe that they will be able to protect us from state fuel shipments if the Nuclear Waste Policy Act is amended and it's shipped through our rail line. I leave that to you all. Question number 5 that I had, was it within our legal jurisdiction to actually pass this resolution? There has been much discussion about that and I do have copies of the minutes from two meetings that I would like entered into the record. From January 20th Mr. Swainston stated that the resolution is inviting the Federal Government into Lincoln County to use its own land for a purpose that the City of Caliente agrees with—I don't see a legal problem with doing that, but I don't think it means a lot since they could do the same by inviting it and putting it on the Governor's lawn. The second meeting was

February 6th and it says "prior to the approval of these additions and corrections, Tom (who is our Lincoln County District Attorney) stated that he had spoken with Harry Swainston, Deputy Attorney General, and he did not feel that the resolution was a violation of any particular statute even though there is a NRS that states that you cannot store nuclear waste in Nevada. Mr. Swainston didn't feel that it was an illegal action in that it violated the statutes. He did say, and Tom concurred, that it went against the policy of the State of Nevada as expressed by the legislature in that statute. Ms. Del Papa in her letter to the Senate and Assembly, says "I believe that they to some extent in Lincoln County, may have been mislead by opinion authored by the Legislative Counsel Bureau to Senator Rawson dated February 13, 1995." I do not believe that is the case. I believe Mr. Swainston lead us to believe otherwise. "I have offered to drop the removal action if they will rescind Resolution 2–95 from the very moment of the court filings or to agree to a permanent injunction against the implementation of the resolution." As an elected official of my county, trying to do the best I can to protect the safety and well-being of my citizenry and my constituents, I felt that was extortion. Question: if the Nuclear Waste Policy Act is amended to ship spent fuel to Nevada via the Caliente route and no dialogue has taken place between the state and the Federal Government for risk minimization and benefits, are we then to assume that the state considers Lincoln County to be an expendable commodity? That's my personal feeling. If we are not allowed to have any dialogue with what is ultimately happening here, how are we to have any say in the only city in Nevada that will actually have spent fuel shipped through it? Seven elected officials, including myself, have been accused of malfeasance of office by the Attorney General, because we dared to address Congress and the Secretary of Energy in the hopes of turning involuntary risk with no benefits into voluntary risk with maximum benefits. The state has accused Lincoln County of endangering the health and safety of Nevada citizens by passing this resolution. The reality of the situation is simply this: the state itself is guilty of endangering the health and safety of the citizens of Nevada by refusing to acknowledge the probability of Nevada hosting an MRS or a deep geologic repository and therefore being on line to minimize risks and negotiate for benefits. Lincoln County will not be muzzled, nor will we be coerced into rescinding this resolution. Another story that comes to you from the mayor of our city who could not be here today. It is about two little boys. These little boys who were on their way home from school, they walked into the house and upon entering their bedroom were stunned to see their bedroom filled with horse manure. Well, the little pessimistic boy started crying and screaming and throwing a fit and saying well, "how did this happen and who could have done such a thing and now look at all the time I'm going to have to spend cleaning this up." And, as he looked over at his little brother who had a smile on his face and he was just plowing through the horse manure. And he said to him, "what in the world are you doing?" The little optimistic boy said, "Well, if there is this much horse manure in this bedroom there has got to be a pony in there somewhere."

I am telling you that Lincoln County and the City of Caliente are looking for that pony. On behalf of the seven elected officials in Lincoln County and the City of Caliente, I would like to thank the Assembly for the consideration of Assembly Resolution No. 8 to protect our constitutional rights of freedom of speech. Thank you. Excuse me, I would like to read one item from Jones, Jones, Close and Brown. Attached is a memorandum from the Tartanian case which speaks to the issue that under the Nevada law political subdivisions of the state are legally incapable of entering into a conspiracy. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Chairman. Thank you for the excellent testimony, Madam Commissioner. I do have to warn you, though, that everyone is presumed to be under oath when they are here and telling the truth, and I have a hard time believing that when the mayor told you that story that he said, "horse manure." I want to go back to the same question that started at the other side, and you were listening. So, apparently around February 6th, Deputy Attorney Swainston talked to your advisor, District Attorney Tom Hill, and we heard testimony that said that he told your attorney, at that point in time, that after complete review, or whatever the words were, that he felt that it would be a violation. Now, that's what I heard him say, if I understood right, talking to Hill. We know that

talking between people, things change. You were saying, that when you were advised by your attorney, Mr. Hill, that his report of the conversation was that they did not think that it was a good idea and it was a violation of the state policy, but it was not a violation of law and that is in the minutes.

MS. CULVERWELL:

Yes sir, it is in the minutes.

ASSEMBLYMAN PRICE:

Thank you.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Chairman. To clarify the question one more time, Yvonne, in your opinion, your action was based in part on the advice the DA's office who has brought this suit against you based on their opinion that your resolution did not violate state law.

MS. CULVERWELL:

Yes sir. We actually have it on video tape.

ASSEMBLYMAN ANDERSON:

Am I to understand your resolution is also based, in part, on the lack of faith and the ability of the State of Nevada to carry out its responsibilities to the citizens of the state as a whole?

MS. CULVERWELL:

Yes sir. Once again, I will say that Lincoln County and the City of Caliente are caught between two very powerful entities here. The United States Congress and the State of Nevada. At this point in time, somebody needs to step forward and say something in the event that this actually does happen.

ASSEMBLYMAN ANDERSON:

I am not decrying the position that both Lincoln County and the City of Caliente are voices to be reckoned with the State of Nevada, rather that you have no confidence in the state's ability to face the needs of all of its constituents.

MS. CULVERWELL:

No sir. At this point, I do not have faith in the state's capability because they have not done anything that addresses the situation or even the probability or the possibility that this could happen. There has been no contingency plan on the state's part.

ASSEMBLYMAN EVANS:

Madam Commissioner, I was curious from reading the minutes of your February 6th meeting. I noticed there are a couple references to the issue asking it to be put to a vote of the people. This seemed not to be a unanimous decision on the part of the commissioners, that you vote on the resolution. I would just be curious to know why that course of action was not taken? Why did you not wish to let the people speak?

MS. CULVERWELL:

Well, that is not quite true. From some of the recordings of the minutes, actually the room has been about evenly split with pros and cons. And as you know, in any given political situation you have a handful of people that are very loud dissenters. We do intend to have this go to a vote of the people. We did have one of the commissioners put together a survey. None of us knew about the survey until it had actually been circulated. In my own opinion, I thought the survey was biased, and so, I am not quite sure if the survey expressed actually the will of the county, or if they were actually being lead into believing something that was not so. I have had this conversation with many people that are under the assumption that the passage of this resolution meant something other than what it did mean. This will come to a vote of the people. There will be a referendum held in the county.

ASSEMBLYMAN PRICE:

I apologize for all of the questions, but I think that we have to get all of the information to make our decision. Sometimes, in fact most of the time, it is hard to tell even when we do something what the intent was. I will ask this question, somewhat general in nature. In

your feelings, was it the intent of your collective body to encourage Congress to place the dump in Nevada and Lincoln County, or was it the intent that if they were going to, we are really talking about the temporary dump not the final storage, having the temporary storage in Lincoln County? I would like to say something before you answer, I served on two high-level waste committees. One is the National Conference of State Legislatures, and as a vice chairman of your Committee of Interim Storage and Transportation, and I chair the legislature's High-Level Waste Committee. I have probably been at more of the meetings that we are talking about here in the last few years on the transportation, storage and interim than anyone connected with this body, with the exception of one of our staff. I think I know the issues and the concerns that have been talked about, not only with your county, but with other counties in other locations. The basic questions, is it your intent to encourage them to bring it or if it was their intent to bring it to you, you would?

MS. CULVERWELL:

It was not our intent to encourage them to site it there. If you read the resolution, it says in the event that the Nuclear Waste Policy Act is revisited and amended by Congress these are the things we would like to see occur. Once again, I state that the City of Caliente is the only city that the spent fuel will be shipped through and I live 150 yards from the UP line. I am very concerned with the risks that are involved.

MARY LEE DAZEY:

I am working with Citizens' Alert, a statewide grassroots environmental organization dedicated to the promotion of education and public participation on issues that affect our lives and the well-being of future generations. Citizens' Alert has been actively involved with the nuclear waste issue since the first proposal to store radioactive waste in the Climax Mine at the Nevada Test Site 20 years ago. We are proud of the track record of the elected officials of this state who have bravely held back the Federal Government in its attempt to dump its wastes on Nevada. The state law, NRS 459.910, has been the first line of defense to keep the wastes out of our state. But the decisive action recently undertaken by our Attorney General is nothing more than a move to preserve our state's immune system from the literal diseases that will occur with high-level radioactive waste moving through the state. Lincoln County officials created a hole in our state's first line of defense when motivated by money or fear and took an official act of elected representatives and passed a resolution saying they intended to invite the Federal Government to store nuclear waste. The state's ability to oppose the dump is only as good as the sum of its parts, and parts of it are dancing to the distant drummer back in Washington, D.C., looking out for the nuclear industry. As they said, the needs of the majority of Nevadans to keep waste out of our state have been met successfully through our elected officials throughout the history of the dump battle, but this resolution cloaked in the guise of freedom of speech represents a departure. There are many positive signs that we may be winning the battle. Energy Secretary O'Leary has recently given Yucca Mountain a 50–50 chance. Part of why the odds are moving in our favor is the growing opposition we are seeing as more and more communities along the transportation route begin to speak out. Recently, it has been ruled in New Mexico, that property owners on the high-level waste transportation route will have to be compensated for their loss of property value. A precedent setting case in 1993, that of New York versus the United States, which argued that an act of Congress which would have required states to take title to low-level radioactive waste if they failed to establish disposal repositories before a certain time, will certainly help Nevada argue that it cannot be commandeered into the federal service as a host for such a storage facility without its consent. The state and the law enacted by the legislature has been successful, but we urge you to vote "No" today in order to patch the hole that has been made in Nevada's first line of defense so as to prevent the Federal Government from making their toehold in Nevada a foothold. Vote "No" and leave the decision in its rightful place, one of the judicial branches of court. Thank you for this opportunity for freedom of speech.

BOB FULKERSON:

I am representing myself, although, I have worked on the nuclear waste issue for the past 11 years as the former executive director of Citizens' Alert. I would like to thank you for holding this hearing this morning, and for accepting public testimony.

I would like to start off by saying that the only free speech issue today is the freedom of publicly-elected officials to conspire to violate state laws. The Lincoln County resolution specifically invites the dump to come to Nevada if the price is right. Conspiracy to violate state law is illegal, and public officials that violate the law are derelict in their duties and should be removed from office. Assembly Resolution No. 8 says that the people should recall these officials if they don't like it. Well, why should the people have to be called upon to recall every instance of malevolent behavior by a public official? That is why we have an Attorney General. It is the duty of law enforcement to enforce those laws, and we should let the Attorney General do her job. Assembly Resolution No. 8 also says that the Attorney General's suit shows the Lincoln County officials are already guilty and that is not fair to them. Somehow, their rights have been violated simply by bringing this lawsuit forward. These public officials will have due process. They will have their day in court. Both sides will present evidence on this before a judge, and a judge will decide whether these officials should be removed from office.

The Department of Energy's efforts to build a nuclear waste dump are failing. You just heard about Secretary O'Leary saying that there was a 50–50 chance to get this thing on. This is really good news. The dump is far from inevitable in this state, contrary to what we heard from the Lincoln County official up here. Transportation remains an issue. The transportation routes are not locked in stone. The Department of Energy has been known to change routes at the last minute. They have already said that they will give a warning on which routes will be used.

There are nuclear power plants up and down the coast of California, Washington and Oregon that will have to go through the State of Nevada and certainly not link all the way down south or all the way north of here in order to go through the only town that was just spoken of.

The Lincoln County resolution also shows that it is offering a part of our state, not just Lincoln County, but a part of Nevada, that we all share for the dubious honor of being the world's first high-level nuclear waste dump. The resolution is not just expressing a first amendment view, but it has the ultimate effect of locking our state into a decision that we all have to live with or suffer the consequences of, our generation and generations to come for a millennium. I urge you to vote against this resolution.

ASSEMBLYMAN CARPENTER:

The question I would pose to Mr. Fulkerson is the land that they offered public land or private land?

MR. FULKERSON:

Since Lincoln County is about 99 percent federally-owned, I would say that it was probably public land, but I am not certain.

ASSEMBLYMAN CARPENTER:

The answer then is public land?

ASSEMBLYMAN PRICE:

I agree with much of what you said, but I want to make sure I understand your opinion. You heard testimony, I presume you were here for the whole thing, right? So you heard testimony, I might add from both sides, that indicate that there may have been, in fact, some confusion about the effect of a resolution. We also heard testimony and that you characterized, and I want to make sure I understood it right, you indicated that they were inviting them to bring nuclear waste to Nevada. But, the testimony from the commissioner was that the intent was that if they were going to put it in Nevada, or anywhere, that they would like to be considered. Not that they were encouraging them to make that decision. Now could you tell me which they were doing? My final question is, with the confusion on both sides that we have heard about this morning, are you saying that, as elected officials, we made a wrong decision that we should be removed from office? Or should there be some other perhaps less severe way of correcting a problem that has happened?

MR. FULKERSON:

First of all, I think it is disingenuous to say that the resolution does not invite the Federal Government to dump nuclear waste in Nevada. What the Federal Government

needs, what the Department of Energy needs and what the Congress needs is a willing host community so it does not look like they are cramming this thing down anybody's throat. Lincoln County has set up certain requirements that must be fulfilled prior to being that willing host community, but once those requirements have been signed off on the dotted line, then they become that host community that is willing, and it is pretty clear that they have offered themselves up on the block.

ASSEMBLYMAN PRICE:

Now Bob, you and I have both been involved in this and have been to many meetings. I have to disagree with you. I want to bring something up that you and I know about now, that I have tried to get some quick research on, which I did not get, but you and I both know that Fremont County, for example, in Wyoming, actively and for a long time have tried to get the site, the first site brought to Fremont County in Wyoming. It wasn't through resolutions that said, "If you are going to do this . . ." but here we have a resolution that says and testimony that says in their heart they may. Now don't you think that there is a difference between those two situations? We could bring up a lot of areas, but I think Fremont County is probably the closest. A lot of our folks don't know about that, which I'll be talking about later, but this is not the first time this has happened.

MR. FULKERSON:

It is a "chicken and egg" argument. It is not going to happen unless a resolution like this comes forward. It depends on what your perspective is, I guess. A response to your question, should public officials be removed from office when they make a bad decision? No, not by the Attorney General. That is up to the voters. But when they are derelict in their duties and they violate a state law, when they conspire to break a state law, or conspire to do actions which are injurious to the public, then they have to be brought before a judge.

GLENN VAN ROEKEL:

Thank you, Mr. Speaker. Members of the Assembly, my name is Glenn Van Roekel. I am the City Manager of the City of Caliente. I hadn't intended to come and speak to you today, and I wouldn't have, except I feel the word "nuclear" has come up so many times today that we have a nuclear debate. I am very proud to be a part of Lincoln County. The gentleman in the painting above me, President Lincoln, is my hero. I feel that I am not sure exactly what policies he was following when he decided that it was unkind to have slaves in the United States. Was it a policy that he decided that, Oh, gee, maybe somebody better do something about this?

I am a little bit concerned and overwhelmed that we are in a position in Lincoln County to do everything that Frankie Sue Del Papa has addressed so well earlier. She said, that Las Vegas was the largest growing community in the country. We want to protect it as much as she does. It provides a great deal of revenue to the entire state. We are not traitors in Lincoln County. We feel that we are doing all we can to protect the interests of the citizens of Nevada, as well as our own residents, regardless of how it may come across. I hope that once this goes to court and the details come out in the resolution, that it will be understood. Right now, we are talking about our freedom of speech.

I have just been chastised because I had an idea on the way home on an airplane ride. I was even asked that in a commission meeting. I was grilled by a commissioner that was working through the advice of the Deputy Attorney General. He wanted to know who I was sitting next to on the airplane, how long and what I talked about on the way home? Well, I am sorry. This is America. I asked if I was under grand jury indictment or investigation, or just what is going on here? I just want this body to know and everybody in this state to know that we in Lincoln County love our state and we are American citizens.

CHAIRMAN HETTRICK:

Any questions? I see none. At this time, we are going to have the Chief Clerk read into the record two letters that were received.

ASSEMBLYMAN SPITLER::

Mr. Chairman, my light was on to ask a question.

CHAIRMAN HETTRICK:

It is not, Mr. Spitler, but you are welcome to ask a question. I am sorry.

ASSEMBLYMAN SPITLER:

It is lit up down here. I did have a question for Mr. Van Roekel.

CHAIRMAN HETTRICK:

I apologize, Mr. Spitler, the light was not on up here.

ASSEMBLYMAN SPITLER:

Yes, thank you. I received a letter from you during the holidays of last year, during the Christmas holidays, dated December 23rd.

MR. VAN ROEKEL:

Yes sir.

ASSEMBLYMAN SPITLER:

Did you forward that letter to all the members of the Assembly and the Senate?

MR. VAN ROEKEL:

I appreciate you bringing that up, Assemblyman Spitler. I, as you well know, wrote each and every person in this body a letter. In the very bottom paragraph, I hope a few of you received the copies of the form, it says I very much urge and desire your comments on this issue. I gave you my fax number and phone number.

Commissioner Chamberlain wrote a letter to each of you following that, and said that I had testified in front of the Lincoln County Commission, and that I had your support. Since I had received no response, that was slanderous in my opinion, he will have to deal with the Ethics Commission on that. I would not lie to this committee. I have been a registered lobbyist. I have never been an actual lobbyist, but I have registered because the law said I had to. I have come here to try and protect the interests of our citizens. I told the commissioners in that meeting, and I have gotten the other two commissioners and the editor of the local newspaper and all the people in the room, that I wish I had heard back from the legislators that I had written in a mutual letter. I had heard no response. Commissioner Ed Wright, when he decided not to pass the resolution on January 3rd, said one of the reasons he was not going to pass it that day was because we needed to put it off, because unlike Glenn, he said he didn't get any response back. I am sorry to hear that, but yet Commissioner Chamberlain wrote each of you a letter and called me a liar. I did not appreciate that, because I would not lie to you people.

ASSEMBLYMAN SPITLER:

I'm not assuming that you would. I was curious when the letter came because in no point in the letter did it indicate that you might use a nonresponse as affirmative action in terms of what you were doing. I had forwarded this letter to the Legislative Counsel Bureau, because I was very curious how this could be pursued this way. So as I understand your response, the follow-up letter that I did receive, which I answered immediately, and I am sure all of the members of this body received this because, Mr. Van Roekel, it was indicated that you testified that you had support of the Nevada Legislature since you had notified each of us in December and received no protest. And as I understand from your comments today, that is a mischaracterization of what, in fact, you did?

MR. VAN ROEKEL:

A gross mischaracterization. I turned that letter over to the Ethics Commission along with several other documents that I feel have been aimed to discredit my character.

ASSEMBLYMAN SPITLER:

Thank you. I appreciate that response because, Mr. Chairman, that had concerned me a great deal. If a no response had, in fact, implied support of this action. Thank you.

ASSEMBLYMAN KRENZER:

Thank you, Mr. Chairman. As the City Manager of the City of Caliente, do you favor the nuke dump coming to Lincoln county?

MR. VAN ROEKEL:

I don't favor the nuke dump being shoved down our throat and coming to Nevada, but that brings us right back to the question. I don't see the word "nuclear" in this resolution, but if you want to discuss my feelings toward it, unlike all Nevadan's, I feel Congress grossly misacted. When the Nuclear Waste Policy was amended in 1987, they shoved it down Nevada's throat. The "Screw Nevada Bill" was an insult to all Nevadans, and I am firmly one of those Nevadans. I don't think that any debate that goes on here today will make any difference in Washington, D.C. I can tell you that the Nuclear Waste Strategy Coalition, the nuclear industries, The Nuclear Commission on Regulatory Authority and the representatives of some 35 states with over 70 United States Senators and 300 United States Congressmen have all said that Nevada is going to receive nuclear waste. I am just saying that we are the ones on the main line of the railroad track, and I made a public statement that I am going to curl up like a rattlesnake ready to strike, and I am not going to let it roll right over me. That is how I feel about it.

ASSEMBLYMAN DINI:

Thank you, Mr. Chairman. Glenn, you know it has been about eight years now that Lincoln County has attempted to bring in every dirty industry that was available in the country to your county, whether it be incinerators or nuclear waste what is the policy of Lincoln County in attracting industry? Is that where you are going to go, for dirty industry completely or not?

MR. VAN ROEKEL:

The policy of the Joint City-County Impact Alleviation Committee of which I am a chairman, I do not act in that capacity, that is a floating chairmanship. Our policy has been since conception in 1984 to minimize risk and maximize benefits. If you are saying on an economic development avenue we go out and accept anything into our community just to get money in our pockets, the answer is no. We have turned away opportunities to people who have come to us and said we have a perfect site up in Lincoln County to accept all of the solid wastes out of Los Angeles County. They are dying for a place to put it. Let's make a deal and put it up there, and we don't make deals. We think things out and we go through a process and that is what this committee has done on this issue. Here we are back on this issue when all I am asking is did we have a right to discuss this? Is it premeditated thought or is thought illegal? I don't know, but that is the issue here today.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Chairman. Earlier, we heard testimony from a member of Caliente who showed lack of faith and confidence in the ability of the State of Nevada to carry out its responsibilities. Do you share that responsibility? Do you have that feeling, that we are not being responsible in carrying out our responsibilities to the constituents of this state?

MR. VAN ROEKEL:

We met with Jim Molhol and the Governor's Chief of Staff, who is standing in the back of the room, on January 23rd and provided him with a copy of the resolution. We met with each of our congressional delegation. We tried to tell everybody. I wrote you all letters. We wrote every citizen in Lincoln County. We said that just in case the state fails this is a protection plan. We know that the state is trying hard and everybody has been gallantly trying in Congress to protect us. But, if for some reason all of this doesn't work, it is going to Las Vegas. The bill that Senator Johnston introduced doesn't say they will stop in Caliente and keep it in Lincoln County. It says they will go to Las Vegas and build a new rail line up Highway 95 to Yucca Mountain. We are saying that if it is going to come anyway, instead of running through and killing the tourist economy in Las Vegas, we know what power of the press can do to Lincoln County in this state, it has happened in Lincoln County. The press has rammed us into the ground, big time. I think that on a national level you can expect that same thing when you start seeing spent fuel canisters in the forefront and the bright lights in the background of Las Vegas. Our tourism base is what I am trying to say. I don't have any faith in the state so far, no, they have not done a very good job in my eyes up to this date.

ASSEMBLYMAN PRICE:

My question is really of the Attorney General's Office. Perhaps we should finish any questions with Mr. Van Roekel and then I would like to ask a question, which I've been requested to ask.

CHAIRMAN HETTRICK:

I'm not certain, Mr. Price, that we can do that in fairness. We have offered 15 minutes to each side. We have given the Attorney General the full 15 minutes. If it is a straight question and answer that we can do very quickly, I think in fairness, we don't want to make it inappropriate for the other side. Is it a straight question?

ASSEMBLYMAN PRICE:

Perhaps we can make an inquiry?

CHAIRMAN HETTRICK:

All right, we will do that then. Any further questions for Mr. Van Roekel? Seeing none, Mr. Price, did you want Ms. Del Papa to come back? If you want to ask a question, you need to have her come to the microphone so we can get it on the record.

ASSEMBLYMAN PRICE:

I think it would be better on the record. I am not absolutely certain it is relevant, but if it isn't, it is close. To tell you the truth, I thought that this was addressed, although, I can't find it. Going back to Assembly Bill No. 222 which became a statute prohibiting the storage in Nevada of high-level waste. Has there or was there one portion of that law, that in fact, was struck down? If it was, would that have any effect, one way or another, on the remaining portions, in your honest opinion, of what we are debating here today?

MS. DEL PAPA:

Assemblyman Price, I think that I could explain it, but I think it is better for Harry to explain it since he was present. It was the 1990 Nevada vs. Watkins case, and there has been a lot of misinformation with reference to that case, as there has been a lot of, I think, mischaracterization and misinformation with reference to this issue. You can even tell that by what was said by the officials here today. Harry.

MR. SWAINSTON:

Assemblyman Price, I will answer your question. It may be a little extended because I don't want to leave anything out.

ASSEMBLYMAN PRICE:

It's okay Harry, we know that you are an attorney.

MR. SWAINSTON:

They pay me by the word. Nevada vs. Watkins was a case that was started because this legislature enacted Assembly Joint Resolution No. 4 and Assembly Joint Resolution No. 6, as well as Assembly Bill No. 222 during the 1989 Legislative Session. There was some suggestion right after the enactment of those resolutions and law, that in fact, this was notice of disapproval under the Nuclear Waste Policy Act of the state selection as a possible repository. In effect, it was a kind of legislative veto. The Attorney General's Office, on November 1st of that year, confirmed that in response to questions by the Governor. The Secretary of Energy did not agree with it and threatened to sue us. We filed suit on behalf of the state in advance of the suit that was filed a month later by the United States, and thereby, the Ninth Circuit Court of Appeals took the original and exclusive jurisdiction of the matter. The upside of the case was very limited. The court said it was premature for us to use Assembly Bill No. 222 as a legislative veto of the site characterization program at Yucca Mountain, but that is as far as it went. To that extent, it was preempted. The court held that the Federal Government had the power under the property clause to study its own property for a federal purpose, and that the state did not object to that study. However, the court did not rule that the state's law was unconstitutional and that would not be a proper thing to do. Either its preempted because of an overriding inconsistent federal law that is valid or it is not. Now if, in fact, the repository is selected at some point in time that whole issue will be raised again. At that time, we will make two very substantial arguments. One, what is the power of the Federal Government to take title to privately-produced waste and force it on an unconsenting state? I challenge anyone

to tell me what that power is. The other aspect of it is, what power of the Federal Government is it to commandeer the states police power, its legislative processes and governmental processes, its economy and its government? I could go on and on into the federal service without its permission and consent.

ASSEMBLYMAN PRICE:

If I understand this in electricians language, they said it didn't do what it thought it did? They didn't actually knock it down, and we didn't appeal up to the Supreme Court? There is no final action? The law is still on the books and it's valid?

MR. SWAINSTON:

We did petition the United States Supreme Court for a Writ of Certiorari. It was denied, but that doesn't mean too much.

ASSEMBLYMAN PRICE:

But as far as we are concerned, until someone can prove otherwise, the statute is still on the books?

MR. SWAINSTON:

We think it is as good as gold right at this moment. Not only is it not preempted, it is totally consistent with federal law.

CHAIRMAN HETTRICK:

Mr. Swainston, I'm going to stop you. The resolution in question is not about the nuclear waste dump or Yucca Mountain. This is not what this debate is about, and I have another question from Mr. Neighbors. I will allow one more question. I don't feel this is appropriate to bring these folks back to give them additional time.

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Chairman. Just clarification on the NRS, which I don't have at this time, but is very simply written. Please correct me if I'm wrong. As I understand that particular law, when it went to federal court, part of it was correct. The part that was correct had to do with government agencies, that you, I, California or the State of Nevada, under that law, did not have the authority to destroy this type of material. Under the supremacy clause of the Constitution of the United States, and it was federal property, that was the part that the court said you don't have any authority over? Two parts to that law, right? One part and then the other? Is that correct?

MS. DEL PAPA:

Again, what I think this line of questioning illustrates is something, in all fairness, I spoke of in my original comments to you, and that is the complexities. The complicated legal issues that are involved here, that have been involved over a long period of time. Not just the Nuclear Waste Policy Act, not just the federal law, but rules and regulations and millions of pages of documents, we can argue over a specific point. It's been debated that the point about that law, I think that question has been asked and answered. The bottom line is, this is a very complicated and complex legal issue that Lincoln County has stepped into and I would disagree with anyone in this room that says there was any confusion in the final analysis as to the decision of the State of Nevada when those officials were taking their vote.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Chairman. I just wanted to read for identification to this body, the very statue in which we are quoting, which is NRS 459.910. Let me read the annotation that was put in. After this bill and as this NRS was passed, in bold lines, section preempted by federal law. NRS 459.910 intended as legislative veto of Secretary of Energy's investigations of Yucca Mountain as potential site for location of national high-level radioactive waste repository, is preempted by federal law because it stands as an obstacle to accomplishment of full purposes and objectives of Congress and any state legislation which frustrates full effectiveness of federal law is rendered invalid by the supremacy clause of the United States Constitution.

MR. SWAINSTON:

Mr. Ernaut?

ASSEMBLYMAN ERNAUT:

Mr. Swainston, that was not a question.

CHAIRMAN HETTRICK:

We will now read into the Record two letters we received. Then we will proceed to comments from the floor.

CHIEF CLERK LANDING:

STATEMENT OF SENATOR RICHARD BRYAN, MARCH 30, 1995.

It is unfortunate the misguided actions of the Lincoln County Commission and the Caliente City Council are being used in a highly partisan political campaign to embarrass several of Nevada's highest Democratic officials. At the same time that the nuclear industry itself is beginning to concede defeat on a permanent repository at Yucca Mountain, a few irresponsible public officials in Lincoln County have chosen to provide support to those who want to make Nevada the dumping ground for the most dangerous and toxic waste ever produced. Many Republicans in the Legislature may view the Lincoln County situation as an easy opportunity to score partisan points. All members of the Legislature should be fully aware however, that any actions by the Legislature concerning nuclear waste related matters risk confusing the state's well established position of fierce opposition to any high-level waste dump in Nevada.

March 30, 1995

NEVADA ASSEMBLY REPUBLICAN LEADERSHIP
STATE LEGISLATURE
CARSON CITY, NEVADA 89710

DEAR MEMBERS OF ASSEMBLY:

I am Alan Chamberlain, a Lincoln County Commissioner and Chairman of the Pahranagat Valley Republican Precinct. I understand that the Assembly is considering a Resolution opposing the Attorney General's action against Lincoln County.

I am concerned with the presentation of the Assembly Resolution as a free speech issue. My fellow Commissioners have stifled the free speech of their Lincoln County constituents by refusing on two occasions, (February 6 and 21, see attached minutes) to allow Lincoln County residents the opportunity to voice their opinions of the County's resolution to bring in nuclear waste into Lincoln County. Given the results of surveys that demonstrate strong opposition to the storage of high-level waste in Lincoln County, I believe it is important that the people of Lincoln County have such an opportunity.

I am also concerned about the way this issue has been politicized. As a Republican, I have taken a bi-partisan stance on the nuclear waste issue, and I am concerned that some of my fellow Republicans may be using this resolution not only as a means to open the door for storage of nuclear waste, but also as a means to embarrass members of the opposing party.

I urge all the members of the Assembly to vote against the Assembly resolution, and to allow the Attorney General to proceed with the duties and responsibilities of the office to which she was elected.

Sincerely,

ALAN CHAMBERLAIN, *Lincoln County Commissioner*

A Nevada Corporation since 1983. They will do a formal presentation on 2-21.

ROAD ABANDONMENT

R.J. Collet was present from Panaca. He is requesting an abandonment of portions of North 4th Street in Panaca. All of the affected property owners have agreed to this action. The Facts/Findings/Resolutions and Determination Report was submitted from the Planning Commission with 2 stipulations: The property owners should have a survey to get actual amount of land and the property owners will pay the county for

the land. A motion was made by Alan to approve this partial road abandonment as presented with the stipulations of a survey and payment; seconded by Eve. All voted in favor. Bill Lloyd will assist with a value on the land.

PANACA CATTLE GUARDS

Garland Hollingshead was present and requested that the Commission furnish 2 cattle guards for Panaca, to be used near the cemetery. Max McCrosky was present also and stated that he wasn't sure what he had on hand. He will check on this and if he has two available, he will take them to Panaca.

PPU TRUCK BID

Pat Kelley was present for this matter. He stated that Kurt Lee can meet the bid price given by State Purchasing and PPU would like to give him the business to keep it here locally. The price of the truck is $13,993.00. A motion was made by Eve to purchase the truck from Lee Ford; seconded by Alan. All voted in favor.

JOINT RESOLUTION #1-95

A Caliente City/LC joint resolution was proposed which was titled "A JOINT RESOLUTION OF THE LINCOLN COUNTY COMMISSION AND THE CALIENTE CITY COUNCIL, REQUESTING THAT AMENDMENTS TO THE NUCLEAR WASTE POLICY ACT TO BE PROPOSED BY THE NUCLEAR POWER INDUSTRY AND VARIOUS STATES INCLUDE LANGUAGE WHICH SEEKS TO MINIMIZE RISKS AND MAXIMIZE BENEFITS TO RESIDENTS OF LINCOLN COUNTY, NEVADA". Kevin Phillips, Caliente City Mayor, was present and advised the Board that the City Council had approved this resolution, unanimously, on 1-3-95 and they request that the Commissioner vote favorably on this resolution today. Louie Benezet was present and he stated that there are some other items on the agenda which should be discussed prior to a vote. He reported that he was at a previous meeting when this issue was turned down and both Ed and Eve had advised that there would be no further action on this issue, and now here it is again. He doesn't feel that the issue has been covered adequately, Paul Long stated that he is enthused that the "city fathers" have finally agreed on something. He feels that we are burdened with taxes and supports this issue. He feels that we might as well get something out of it. Elizabeth Gemmill stated that Pioche is the county seat. She resents Caliente taking everything away. She asked that no vote be taken until all sides of the issue are heard. Robert O'Connor stated that he doesn't know what the big problem is. He doesn't feel any mountain will be found safe or totally unsafe. He commented that the canisters and the transportation are the real issues. He is strongly in favor of the site below Caliente. Connie Simkins was present and she stated she recognizes that there has been inadequate coverage in the Lincoln County Record. The Impact Alleviation Committee mailed to each post office box an informational pamphlet on this issue and the Review Journal and the Spectrum have covered the issue almost daily. She feels that this matter has been well covered. Torrie Klomp said she understands that the decision to be made today is just saying that we want to have a say in what happens. Ed answered that is correct. She is in favor of having a say in this issue and the decisions. Connie Nelson stated she has lived in Lincoln County all of her life. She agrees that we should have a say in our future. She feels that the majority of the people do not know what is going on and what's at stake. Pat Kelley asked that the City and the County stop and go back and work with the State. He asked about the survey which is being conducted. Alan reported that he hopes to have a 1000 responses by 2-21. He reported the following preliminary response from the survey which he stated is being conducted by him, at his own expense: 170 responses—Question 1) 11% yes, 72% against; 2) 18% yes, 67% against; 3) 12% yes, 77% against; 4) 21% yes, 61% against; 5) 21% yes, 69% against; 6) 1% yes, 73% against; 7) 68% yes, 1% against, 12% don't know; 8) 10% yes, 38% no, 44% don't know; 9) 74% yes, 1% against; 10) 1% yes, 54% against, 24% don't know. Alan suggested putting this issue to a vote of the people. Milton Hollingsworth said that he feels the people have been brainwashed on nuclear power. He feels that the government will put it here whether we want it or not. He advised that the nuclear waste is in rods or pellets, not liquid form. Martha Lauritzen feels that the nuclear

waste power is too tough to fight, but if we are going to fight for our public lands, we don't want the nuclear waste people telling us what to do. Eve stated that people thought she was crazy when she started fighting for the public lands, but look where that issue has gone. Denise Nay stated that she feels we don't need to be a garbage dump. "They made it, let them store it." Ed reported that he had a petition with 268 signatures on it, favoring the issue. Rollie Simmons commented that we are not voting on whether Yucca Mountain will be the repository; we're voting that if spent rods go through the county that we're going to get some benefit from it. Alan read a fax he had received from Congresswoman Vucanovich and stated that he feels there is time to take this issue to a vote of the people. Connie Nelson stated that we don't need to feel it's coming no matter what. Remember MX? There's time to do a vote. If the people want it, then let's get behind it and get the most out of it that we can. Pat Kelley questioned if the State has an impact alleviation committee? Alan advised that they do. Pat then asked why our impact Alleviation Committee doesn't meet with them and work on the resolution? Rey Flake questioned why we need an Impact Alleviation Committee if we aren't going to listen to what they tell us? Rick Nelson questioned, if it's coming, no matter what, why do we think they're going to listen to anything we have to say? Carol Shanks stated that we are "like a flea on the dog." We're telling the Federal Government not to tell us what to do; we're telling the state government not to tell us what to do and yet we have our hand out to them. She feels that Alan has every right to conduct a survey. Marge Detraz commented that we do have a committee that has been working with this issue for several years and yet people do not know about the issue. Her concern is for the groundwater. She feels this issue should go to a vote of the people. She also commented that most of the people do not understand the information going out. Alan stated he has received several letters from State officials with most of them being against the nuclear waste issue. Alan then read a press release from Deputy AG Harry Swainston, Kevin Phillips said he has a copy of Alan's letter which he sent to all the legislators, which slanders Glenn Van Roekel's statement and Kevin feels that all of Alan's comments on this issue should be null and void. Eve read letters into record from Glenn Van Roekel on this issue. Ed read a fax from Governor Miller into the record. He stated that they have spoken with Jim Mulhall and Richard Urie, of the Governor's Office, and after discussing this issue with counsel, Tom Dill, the commissioners have decided to meet with the AG's office to review the resolution and bring this back on 2-21-95. Ed stated that he feels if this went to a vote of the people it would fail as most people don't get out to find out about the issue. Tom feels that they need to meet with the AG to clarify the resolution. He feels that the resolution is an "if and when" resolution, but the AG views it differently.

'95-'96 BUDGET

Dan McArthur was present for this matter and submitted dates of February 20th for the budget workshop with the Department heads (8 hrs.); March 7th-workshop (4-8 hrs.); March 21 (2-3 hrs.); April 5th to approve the tentative budget; May 5 final budget hearing. After some discussion, it was decided to eliminate the Feb. 20th meeting and just have the department heads submit their budget requests to the auditor. All of the meetings will start at 10:00. Some discussion was held on the cost of the budget preparation. Dan advised, if it is held to the meetings as outlined, he could do the budget for $4,000. A motion was made by Alan for Dan to prepare the budget; seconded by Eve all voted in favor.

ADDITIONAL COMMISSIONER DISTRICTS

Several names have been submitted as willing to work on the committee to outline a proposal for the two new commissioner districts. After some discussion, a motion was made by Eve for the following persons to sit on that committee: Frank Hulse—Pioche, Leo Wadsworth—Panaca, Kevin Phillips—Caliente, Shirley McCrosky—at large; seconded by Alan. All voted in favor. A motion was made by Eve for Frank Hulse to be the Chairman; seconded by Alan. All voted in favor. The DA will provide legal counsel and Jason offered the census information and any maps that they may need. The target date for completion of this project is July 1, 1995.

PUBLIC LANDS

Shelley Wadsworth was present for this matter. She submitted a request for a copy machine or access to one. She stated that it is difficult for everyone when she has the copy machine here tied up. Ed suggested to check with the Sheriff's office since they are open 24 hours, maybe she could arrange to use their machine. Shelley submitted letters to the following: proposed letter from the county to Curtis Tucker re: information request on 4120 (NV 055); proposed letter from the county to Gary Ryan, BLM re: horse numbers; proposed letter to the BLM from the county re: request for proof of BLM jurisdiction relative to grazing allotment management. A motion was made by Eve for Ed to review these and if determined that they need to be sent to sign the letters; seconded by Alan. All voted in favor. Shelley submitted a statement of concern regarding a BLM officer stopping a citizen for a traffic citation. Tom advised that this officer has been reprimanded and there won't be anymore traffic stops. The Commissioners will send a letter to Ann Morgan advising that BLM officers do not have any authority to enforce LC laws. Connie Simkins was present and stated that she had previously sat on the CRMP board to determine the number of wild horses on public land.

CHAIRMAN HETTRICK:

Thank you, Mrs. Landing. We will open the Committee up to comments from the floor. That will basically be limited to five minutes by the members. Mr. Anderson.

ASSEMBLYMAN ANDERSON:

Mr. Chairman, do you wish us to speak from here or from up in front?

CHAIRMAN HETTRICK:

There is fine, I think that will be fine.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Chairman. The least a person can do at such a time is to declare himself and know where he stands. I believe in freedom with the same burning delight, the same faith, the same intense abandon I'm sure it intended at its birth in this government over two centuries ago and in this state 131 years ago. I just want to say, before I get slowed down, that I am in love with freedom. It is an affair of long standing. It first was ignited by my immigrant parents who craved this element so highly given their background and the country from which they came. I grow suspicious of people or institutions that would trample on these rights. The resolution before us would decry the Chief Executive Officer of the State and the Attorney General for upholding the legislative acts of this body while hiding itself within the veil of freedom of speech questions. To be sure, it is freedom of speech that allows each of us who so chooses to fill the time with this debate, the right of the people to petition government cannot be abridged. The question is not one of freedom in this resolution, the question is one of responsible actions.

I have seen no BDR introduced to repeal the statutes of NRS 459.910. The Attorney General is carrying out her oath, as each of us must, no less an obligation falls on the elected officers of Caliente or Lincoln County. I have had the opportunity to read their joint resolution 2–95, as I am sure most of you have. At the very least, I would encourage my colleagues to take a position of neutrality. For while NRS 495.910, which states our position on the question of storage of high-level nuclear waste in Nevada remains, we should not try to determine the rightness or the wrongness of her office and its actions. I am distressed by the lack of public confidence in the will of this body and of the elected leaders of this state to carry out the will of the constituency. The right of the individual members of any community has a right to petition government and to address the wrongs and speak of the needs of such a facility and of the needs of such a community. They do not have the right, however, to place my constituents at risk. The citizens of my community have stood along major rail lines and with a major marshalling yard for over 78 years. Every piece of ordinance moving out of the major ammunition dump in the United States has been assembled in that community and indeed it understands the risks.

I believe the State of Nevada has acted in a responsible manner and I believe the Attorney General has carried out her duties we have prescribed for her. It would be

wrong, indeed, to say less of her or expect less of her office than her sworn obligation to carry out her responsibilities. For that, I would ask either a vote of neutrality on this position or to vote against it.

ASSEMBLYMAN ALLARD:

Thank you, Mr. Chairman. In hearing the testimony today, I have heard many comments about whether or not the Federal Government will be successful in placing a waste dump in Nevada and whether or not the Lincoln County resolution will precipitate the dump being placed in Nevada. In deciding whether or not to vote for this Assembly Resolution, I have had to ask myself one question, is this a nuclear waste issue or a free speech issue? And with all due respect, the answer came back to me in no uncertain terms. The action of the Attorney General is a clear cut case of state government trying to squelch the freedom of speech of local officials. I am personally opposed to a nuclear dump being placed in Nevada. I am not, however, willing to squelch the opinions of my colleagues or local officials to achieve that end.

Quoting from a letter sent to me by the Attorney General's Office, the Attorney General asked the question, "What constitutional power authorizes the Federal Government to take title to a privately produced waste product and force its disposal on an unconsenting state?" In my opinion, they have no right. But this issue raises another question. By what right does state government bring suit to remove local officials from office for expressing their views in a resolution? If expressing a view that is contrary to a state's policy is malfeasance, passing this Assembly Resolution could be construed by some as malfeasance. But, I think not. How can we, at the state level, condone the actions of the Attorney General when we as a state are continually complaining to the Federal Government about its presence?

What the Lincoln County officials did was to set forth a contingency plan and express a sentiment, and whether or not I agree with that sentiment, I would defend their right to express it. It has been said that the Lincoln County resolution endangers the lives of all Nevadans. What then is the taking of the right to free speech do? I believe the actions of the Attorney General's office sets a dangerous precedent, and I, therefore, rise in support of this Assembly Resolution.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Chairman. Mr. Chairman, I rise in opposition to this resolution, as drafted, for a number of simple reasons. First of all, I cannot buy the argument this is a free speech issue. I strongly support our First Amendment right to free speech as I am sure does everyone in this body.

Mr. Chairman, on January 16, 1995, I took my third oath to support, protect and defend the Constitution of the United States and the Constitution of the State of Nevada. My second oath was taken on January 18, 1993, and my first oath, Mr. Chairman, was taken a little over 11 years ago when I embarked upon my law enforcement career. I believed then and continue to believe, that it is my duty to defend our guaranteed freedom, including the freedom of speech, to the death, if necessary.

Free speech is simply not the issue. What we have here is an Attorney General and Governor who did what they honestly believed was in the best interest of the safety and well-being of the people of Nevada. Was the Attorney General's action legally correct? I am a police officer, not a constitutional attorney, and I cannot answer that but the courts will and that is the proper place for that decision to be made, not in this legislature. I strongly believe in the separation of powers and in fairness and I do not believe that this resolution represents either.

As a strong opponent of the nuclear dump, I am also concerned about the message that this will send about our state's commitment against the dump. At the very time we finally have some hope of keeping it from coming here, those who support this resolution can repeat over and over and over that it does not mean that they support the dump, but I am concerned that it is not the message that will be ultimately heard in Washington, D.C. Anyone who believes Commissioner Culverwell's statement that in the event the Nuclear Waste Policy Act is amended was not to encourage the Federal Government to place the dump in Lincoln County is naive.

I can tell you when I tell my children when I leave for this body on Monday morning, in the event their room is clean when I come home they will get their allowance, they are certainly encouraged to clean their room. Again, I believe this resolution is an unfair attack on a constitutional officer who did what she believed was in our best interest, an unnecessary act because the legality of her actions will ultimately be determined in the courts anyway, and most of all a dangerous message to those in Washington, D.C. who are determined to make Nevada the nation's nuclear dumping ground. Thank you, Mr. Chairman.

CHAIRMAN HETTRICK:

Thank you, Mr. Perkins. Mr. Neighbors?

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Chairman. I rise in support of Assembly Resolution No. 8. Assembly District No. 36, which I represent, includes Lincoln County, and I believe the rights of some of its officials have been trampled. By trampled, I refer to the Attorney General's attempt to have them removed from office. Incredibly these officials have had their loyalty questioned; they have been accused of malfeasance; they have been accused worse yet, of conspiracy and they have been cast in the role of defendants all for exercising their right of free speech. If the citizens of Lincoln County, who elected them, decide to recall them, and I understand that may be underway, that is their right, and so be it. But for the Attorney General to take that position, I am totally opposed to it. My support of Assembly Resolution No. 8 has to do with the undying faith in the very foundation of this nation's freedom, the concept of free speech. I have no quarrel with the Attorney General's views on nuclear waste. However, I am disappointed and angry that these Lincoln County officials have been bullied around in such a cavalier manner. Although, I am not an attorney as Bob Dillion said, "You do not have to be a weatherman to know which way the wind is blowing." I do not think you have to be an attorney either, to be able to understand what the First Amendment says and that is good enough for me. The very first Article in the nation's Bill of Rights says, and I quote, "Congress shall make no laws respecting the establishment of religion or prohibiting the exercise thereof or abridging the freedom of speech, or of the press, or of the rights of people peacefully to assemble and to petition to the government for redress of grievances." Make no mistake about it, if this attempt to muzzle people for speaking out goes unchallenged, you can bet down the road the same tactic will be used with some other Nevadans, in some other Assembly District on the same or a different issue just for speaking out and I find that is very chilling. The issue is preserving the constitutional process and sovereignty of the people. My support of this resolution does not reflect support, I repeat, does not reflect support for the transportation or storage of nuclear waste in Nevada. That is a separate issue, but all I have heard is everybody trying to make another issue out of this and you know if we are going to send a message to the people of the State of Nevada the concern I have is that this body will send a message of free speech. We really have a problem with it up here and that would be one of my biggest concerns. You know, as a young man my beliefs in the protection of the freedoms we enjoy, including free speech, led me twice into combat for my country. Today, it leads me to support Assembly Resolution No. 8. Thank you.

CHAIRMAN HETTRICK:

Ms. Giunchigliani?

ASSEMBLYWOMAN GIUNCHIGLIANI:

Thank you, Mr. Chairman. I rise in opposition to Assembly Resolution No. 8 for the following reasons. I would like to read the summary to you. This is what the public generally sees when they look at a bill draft. "Expresses disapproval of certain recent actions of Governor and Attorney General of the State of Nevada." What this basically amounts to and what this is really all about is politics. Under the guise of our First Amendment rights. Yes, a Democratic Senator raised the issue, but like buzzards flocking to fresh kill, the Republicans moved swiftly, in fact much more swiftly than I have seen a single piece of legislation dealt with this session, to attack a Democratic Governor and Attorney General. Assembly Resolution No. 8, as written, still focuses on the disapproval of them rather than reaffirming our support of the First Amendment rights as well as

reaffirming our opposition to the nuclear dump. After we rise as a body, out of this Committee of the Whole, I have an amendment to propose to this body to take a look at which presents a positive solution to this issue which will focus on whether or not we want to stand in support of First Amendment rights as well as reaffirm our position. I would hope that you would consider that at that time. Thank you, very much.

CHAIRMAN HETTRICK:

Ms. de Braga?

ASSEMBLYWOMAN DE BRAGA:

Thank you, Mr. Chairman. I rise in opposition to Assembly Resolution No. 8. While I fully support the right of every Nevadan to speak out for any cause he or she believes in, I think it is imperative that we consider the motives of those involved and the role of the Attorney General. In passing Joint Resolution No. 295, Lincoln County officials did more than state their beliefs. They exceeded their authority by acting on those beliefs and did so without the consent of the people they represent. In defiance of Nevada's long time stand against becoming the nation's nuclear dump, they demonstrated a willingness to trade the health and well-being of their county and of the state for cash. Whether or not you agree that the course of action taken by the Attorney General was the correct one, you must recognize that it is her sworn duty to oversee the welfare of the citizens of Nevada. How can we then censure her for carrying out that duty? Keep in mind that this nuclear waste has to pass over and through other counties and other states as well. If we now broadcast the message that we as Nevadans are not unified in our desire to protect our state and safeguard it for future generations, we will forfeit all hope of ever being able to achieve that goal. I urge you to defeat this measure.

CHAIRMAN HETTRICK:

Mr. Carpenter?

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Chairman. I rise in support of Assembly Resolution No. 8. I would say one thing though, free speech is alive and well in this building today. There is even more free speech here today than we have in cowboy poetry.

On a more serious note, though, Mr. Chairman, what we do not need in rural Nevada is for our Attorney General going around trying to remove from office our county commissioners, our small town mayors and city councilmen just because they dared to exercise their right to free speech under the First Amendment to our Constitution. We have heard a lot of rhetoric here today, but I really think that there is no reason that these people need to be threatened with the removal from office. I was a county commissioner for 14 years and if we had been threatened with removal from office every time we spoke up against the state or the Federal Government, we probably would have been in office only one week or less.

What we do need in rural Nevada is support from our Attorney General who will stand up to the Federal Government and fight for our state's water rights on public lands. Elko County has filed suit against the Federal Government to strengthen state water law on public lands. Our Attorney General has declined to help Elko County in this suit. It is, and should be, the Attorney General's responsibility to defend our state's rights in regards to water. Instead, a county has to do it.

The Attorney General, and I believe she is, was really serious about keeping a nuclear dump out of Nevada. The Attorney General should be in the forefront to return the public land in Nevada to state control. If the state owned the public land in Nevada, we could absolutely control the agenda on Yucca Mountain, and I think that should be the foremost push in our state to get our land back so we can control our destiny, not only with Yucca Mountain, but all the problems we have with the Federal Government. Thank you, Mr. Chairman.

CHAIRMAN HETTRICK:

Ms. Tiffany?

ASSEMBLYWOMAN TIFFANY:

That is a hard act to follow. Thank you, Mr. Chairman. In his book, *One Man Stands For Freedom,* the United States Supreme Court Justice Hugo Black says, "Freedom of

speech means that you shall not do something to people either for the views they express or the words they write and speak." Sadly, Hugo Black's definition has been turned upside down in Nevada today and it now reads, "Freedom of speech means that you shall not do something to people either for the views they express or the words they write and speak unless it happens to disagree with the Attorney General and with the Governor and then it becomes open season." The Attorney General and the Governor, in seeking removal of the officials from Lincoln County and the City of Caliente, are trying to punish them, not for what they did, but for what they said. By initiating this action they gave a chilling warning to all of us Nevadans. Express the correct views or suffer the consequences. While I may personally agree with the state's policy, it is okay to strongly feel that way, but with the certainty that that position demands all opposition be silenced, then we have arrived at an ominous point in our society where ideas can be crimes. As the people's representatives we cannot allow ourselves to be intimidated by these self-proclaimed enforcers of correct thought.

In the words of another United States Supreme Court Justice, Robert Jackson, "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox of politics or other matters of opinions or force citizens to confess by word or act their faith therein." I urge my colleagues to support this resolution because there is no room for thought police in the State of Nevada. Thank you.

CHAIRMAN HETTRICK:

Ms. Evans?

ASSEMBLYWOMAN EVANS:

Thank you, Mr. Chairman. I am really a bit puzzled by the spin we are putting on this issue. Spin is something you hear a lot about in Washington. They even have people they call spin doctors. It looks like we have a few rising stars in that category in Nevada.

I was quite taken by the statement of the Lincoln County Commissioner who, just a few moments ago, characterized this as a freedom of speech issue, as many others have since, and then yet admitted that what they wanted for themselves, or they see being denied, they denied to their own citizens. Ex post facto they want to go to a vote of the people and they themselves were judge and jury on whether or not the poll that was taken was accurate. So, indeed, I see this as a bit of spin. We heard the words "muzzled," "squelched" and "trampled," but I ask you, whose responsibility is it to enforce the laws and the wishes of this legislature?

In many previous sessions, we have had bills and resolutions that have said no nukes in Nevada, and I think that is a pretty clear message. And now, we have a local jurisdiction who wants to go the other way. Do we expect our chief law enforcement officer in the state to look the other way? I would say if she did so that would be dereliction of duty.

I am also concerned, Mr. Chairman, with the way we are handling this issue. I could see that disgruntled members could write letters, a letter signed by all who agreed with them. But to go so far as to create a document of the legislature, a resolution, there is not much precedence for this.

I asked the Legislative Counsel Bureau to do some checking. How often do we do this? How often have we done it? Well, in 1871, we chastised the Treasurer for some embezzlement. I guess that was okay. In 1917, the Board of Regents, had to do with mismanagement, and in 1958, Governor Russell, after he was out of office by saying, "Don't tear down the Capitol Building." So, we do not go this far very often. And I think we have gone too far in trying to make this a formal document and I think we are trying to do more than what meets the eye.

I am also concerned with the language of this resolution that condemns officials in the Executive Branch. Why do we condemn? I heard yesterday in the Senate that the resolution does not say, "condemn;" it says "disapprove." But I refer you to the dictionary which says, "condemn: to express disapproval of" and that is what this resolution says, so it is condemning. And as far as our concern about trampling on the rights of Lincoln County, we do it every day in this legislature. Look at the flow of bills that pour into Government Affairs. This is not a "home rule" state. Local government has

to come to us begging every day for this, that or the other, sort of an en loco parentis relationship. Just mention the word "home rule" and people flee the room, so from everybody who now seems to be on the other side I expect that there will be legislation tomorrow supporting "home rule."

I hope, Mr. Chairman, we will rise above sectionalism, rise above partisanship and as Spike Lee said, "Do the right thing." Defeat this resolution.

CHAIRMAN HETTRICK:

I would point out that it is technically inappropriate to applaud in committee hearings. We have two people left who have their lights on. We will let those two speakers finish and that will be it for this portion. We will then rise out of committee. Ms. Buckley.

ASSEMBLYMAN BUCKLEY:

Thank you, Mr. Chairman. I believe that all citizens in the United States have a right to express their opinion. This right does not apply only to popular ideas, but to all expressions. It includes expressions of the ignorant and the uninformed. It also includes the right to say that Nevada should become a dumping ground for nuclear waste. It would seem that I would support this resolution, but I will not. While I support the First Amendment, and the First Amendment rights of the Lincoln County Commissioners and the Caliente City Council, I will not vote for a resolution that can be waved around by the nuclear industry as support for the location of a nuclear dump in Nevada. I also cannot vote for a resolution that denounces the Governor for exercising his First Amendment right to state his support for the Attorney General.

It is ironic that a resolution allegedly being brought because of the First Amendment, proceeds to excoriate the Governor for exercising his First Amendment rights. I also do not want an official resolution to be used by the nuclear industry to show dissension between the Assembly, the Governor and the Attorney General and to hurt our position in negotiating with the Federal Government. We show an example only in the past month where our delegation went back to Washington, D.C. to discuss the issue of the dump with the Energy Department and our Commissioner from Clark County was not even permitted to address the delegation.

It is important to have a unified message for Washington. It is important to let the Federal Government know that the overwhelming majority of Nevadans do not support turning Nevada into a nuclear dumping ground. It is important not to pass a resolution that could be construed as praising Lincoln County Commissioners and the Caliente City Council who seem to believe that turning the state into a nuclear dumping ground is okay as long as their county or city gets a $30 million, lump sum, up front and $10 million a year. That's what the resolution says.

I support any Nevadan's right to speak whether that speech is motivated by a true difference of opinion or by greed. But I will not support a resolution that is ambiguous and can be used as a tool by the nuclear industry. I would support an amended resolution striking the balance that we need to achieve and that is a reaffirmation that we believe that all in Nevada, including county officials, have a First Amendment right to speak and to petition government for redress of their grievances, but I believe we cannot do that while sending a message that Nevada should be a dumping ground for nuclear waste. Thank you.

CHAIRMAN HETTRICK:

Mr. Ernaut?

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Chairman. To you and through you to this honorable body. Today, I rise in support of Assembly Resolution No. 8. There has been a lot of testimony here today, both for and against, talking about many things, but let us not delude ourselves or be dissuaded in any way into thinking this resolution is anything other than what it is.

It is not a referendum on storing nuclear waste in Nevada. It is not a partisan political vendetta. It is plainly, simply and clearly, a debate about the bounds and thresholds of our most basic right as Americans and as Nevadans—freedom of speech. Let me say from the start, that I, myself, as did many people in this body who signed on this resolution, are against storing nuclear waste in the State of Nevada and have always been that way and

maintain that today. Furthermore, I am against negotiating benefits for the storage of nuclear waste in Nevada. And you may find this ironic, but I am absolutely opposed to what Lincoln County said in the resolution. But, I will defend their ability to say it and that is the essence of this debate, because the essence of free speech is to defend that speech which you disagree with as vehemently as the speech that you agree with. To disagree with that statement is to disagree with the freedom of speech altogether.

Don't take my word for it. Let me read you some excerpts from some of the editorials that have been about the state in the last couple of days. First of all from the Nevada Press Association, "The Association has supported a free and vigorous debate on all issues, but free speech is bruised when the state's top law enforcement officer seeks a criminal complaint against public officials, not for what they have done but for what they think ought to be done. Lincoln County's idea to explore, the temporary storage of nuclear waste in Lincoln County should be debated, not silenced, and those who wish to publicly discuss the issue should be able to do so without fear of prosecution by the State of Nevada." *Las Vegas Review Journal,* "Let's clear the smoke and mirrors. The judicial intimidation is pure and simple an effort to silence those who won't parrot the state's vehement opposition to storage of nuclear waste." Again, the *Las Vegas Review Journal,* "The action Ms. Del Papa outlandishly maintains violates the state law already rendered essentially moot by the federal court prohibiting storage of nuclear waste in Nevada."

It is not my intent today to give anybody in this body a lecture on free speech; we all know what it is, we all know its bounds. The concept of free speech is unequivocal, it is absolute, it is not tested by what you agree with or don't agree with, so the real question before us today is not the concept of free speech as some of the opponents have said. What is really the question and what is it that we're talking about? Are we talking about the Attorney General's hindrance of or repressing of free speech to the people in Lincoln County? I think so, and if you don't think so then I guess you agree with the fact that the Attorney General maintains that Lincoln County violated a state law.

By passing this resolution, and notwithstanding the fact that this resolution is nothing more than expressed opinion of the author, so the fact that we pass resolutions in this house every session urging Congress to do many things contrary to federal law, and we are not threatened with removal, or the fact that I sat on this very floor in 1993, along with many of you, voted against the Clean Air Act which was federal law. It also lends itself directly to the argument that we may have endangered the public safety of the State of Nevada, yet we weren't removed. And notwithstanding the argument that Lincoln County officials should be removed from office for violating state law, specifically NRS 459.910, and let me read that to you: NRS 495.910—"Unlawful to store high-level radioactive waste in the state. It is unlawful for any person or governmental entity to store high-level radioactive waste in Nevada."

Did Lincoln County store high-level nuclear waste in Nevada? No. Did they violate the state law? No, in fact my assertion is backed up in a recent LCB opinion and I'll read that as follows, "Because the resolution in question would make recommendations regarding logistics of transporting nuclear waste to Yucca Mountain, the resolution appears to respond appropriately to one of the activities specified by Congress as a use for that financial assistance. NRS 459.910 does not, by specific terms, prohibit such a recommendation and therefore the members of the Council or the Board of County Commissioners do not violate this statute by approving the resolution in question." That is dated February 20th. And even if you are not persuaded by the fact that Lincoln County in no way violated this statute, let's speak about the very constitutionality of NRS 459.910. In another recent LCB opinion, the Legislative Counsel Bureau writes the following, "Since NRS 459.910 provides it is unlawful for any person or governmental entity to store high-level nuclear waste in Nevada, it might be argued that the adoption of the resolution in question would promote an illegal activity. However, the United States Court of Appeals for the Ninth Circuit has held the adoption of this statute as an attempt by Nevada to veto the Secretary of Energy's site characterization activities at Yucca Mountain is preempted by the Nuclear Waste Policy Act. In its opinion, the court noted that any state legislation which frustrates the full effectiveness of federal law is rendered invalid by the supremacy clause of the United States Constitution." So the linchpin of the legal argument in the

Attorney General's complaint is unarguably unconstitutional. Earlier, I read to you from the very citation in the NRS. Now for all you attorneys, you know that the citations and the annotations are guidelines by which attorneys interpret. It says exactly the same thing, this is preempted by federal law, proving that even when this measure was passed in 1989 the signers knew then that it was unconstitutional and knew it expressed an opinion of the 1989 Legislature. My colleagues, I purport to you that in no way did Lincoln County officials violate state law, so then, if they did not violate state law, what are we really talking about here?

Plainly, simply, we are talking about a local body publicly disagreeing with state law, not violating, publicly disagreeing. I ask you, my colleagues, what is our job as elected officials? I would intimate to you that the very essence of our job is to speak out against that which is wrong and that with which we disagree and change what we feel is wrong regardless of its popularity or its partisanship.

The second argument we hear today is this is not the proper forum to bring this complaint, that somehow we are overstepping our bounds as legislators in admonishing this act. In fact, the Attorney General recently wrote a letter to each of you saying, and let me quote from it, "The checks and balances between the legislative branch and the executive branch established by the Nevada Constitution are undermined by this unjustified attack upon me." Ladies and gentlemen, I maintain to you that this is the very essence of checks and balances. When one entity in this government acts inappropriately it is not the right, but the responsibility of the others to keep it in check and to keep it in balance. So, I would echo the remarks of the Senate Majority Leader yesterday when he said, "If not us, who and if not now, when?" If we allow this punitive and harassing lawsuit to continue, unquestioned and unchallenged, then we are too, to cast a cloud over elected officials in this state, us included. If he or she cannot speak their minds without fear of legal retribution, what recourse do the citizens of this state have if this elected body refuses to take up this fight? You can't go to the county commission because they have already been admonished.

In conclusion, the question at hand is questionable. Are we going to punish people for speaking out because they are scared, because they don't believe the state can protect them? You heard today that Lincoln County didn't invite the waste dump, they merely wanted to be protected if it came. For that we should remove them from office? I ask each and every one of you here today to ask yourself a question, "What do I stand for?" Do you stand for the repression of free speech merely because you disagree with its contents? Do you stand for taking away elected officials rights, or any citizen's rights, protecting his or her government, or will you be blinded by allowing yourself to buy into this specious argument that the Attorney General is trying to protect us from ourselves? Or will you stand up and defend the very essence, the very essence of free speech? I implore you to look inside yourself today and see the real issue, see beyond the demagoguery, see beyond the politics, see beyond the emotion and do what is right. Remember that freedom of speech is like loyalty, it is just a concept until it is tested. Today, ladies and gentlemen, this is your test.

CHAIRMAN HETTRICK:

Mr. Price?

ASSEMBLYMAN PRICE:

I'm referring to *Mason's Manual* which we all have, Section 687, subsection 6. My point of order is that I believe the primary purpose of the Committee of the Whole is to be able to hear testimony from the public. By the way, I want to congratulate you and our two leaders for what has happened here today. It is 10,000 times better than what happened at the other end of the building. The primary purpose, but not absolutely necessary, of dissolving into a Committee of the Whole is to take testimony and then to make a recommendation back to the full body. I would respectfully suggest that it would be proper that we should make some type of motion. I will not make the motion. I would like to hear the other side and I'm not trying to be pushy. Let me read this: Motions permitted in the Committee of the Whole which are considerably restricted, for example, you don't have to have seconds for motions and you can't limit debate and so forth. While they are restricted, the only regular motions available are to limit debate, to propose amendments

and are limited to recommendations to the House, the same as any other committee. In other words, we come and hear debate on both sides, and we are just like the Judiciary Committee or any other committee and when we pass a bill out, or decide not to pass a bill out, we are supposed to make a recommendation to the full House. I think a motion should be made, whether it be for or against, or an amendment be added or something else. I believe the proper thing for us to do is to make a recommendation to the full body and it will be on the record.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Chairman. To my colleague from Clark County, it was the intent for this Committee of the Whole to read the committee report back to this body with no recommendation. Mainly, I would direct you to page 464 in the *Mason's Manual,* which does not allow for any roll call vote to be taken. In essence, not to get into a battle over the *Mason's Manual,* we thought it would be more appropriate to take the vote once we have risen from the Committee of the Whole and take additional debate upon the adoption of the motion.

ASSEMBLYMAN PRICE:

I did not hear that earlier. But even then, I would respectfully submit that a motion should be made as we dissolve back that we have heard the debate and that we make no recommendation. The proper thing would be to have that in the record. I have no problem with that. I think we should be doing it procedurally correct.

CHAIRMAN HETTRICK:

In reviewing this with Mrs. Landing, the section says the only motions that can be considered are, "being available" are the actual words, limited debate, propose amendments, to recommend and to rise. We can recommend that we have heard, recommend that we go back, recommend that we rise, whatever you choose. I think the idea is to put this vote on the record. I think the proper motion here would be to recommend that we report back to the Assembly that we have had the hearing on Assembly Resolution No. 8.

ASSEMBLYMAN PRICE:

If you would go to the next subsection, it says likewise, the Committee of the Whole cannot take any final action, but its power is limited to recommendations to the House, the same as any other committee. When a bill or resolution comes out of committee, in any of our committees, the recommendations used are three: for, against, amend and no recommendation which is seldom used. I'm only saying that this is the appropriate thing for this body to do. As stated, just below what you are reading.

ASSEMBLYMAN ERNAUT:

Mr. Chairman, to my colleague from Clark County. It was not our intent to get into a *Mason's Manual* battle today. Neither was it our intent to duplicate the effort of making the vote. We are going to do the vote in about five minutes. Unless we want to waste more time with some of this stuff, I would respectfully submit to our colleague from Clark County that we will be taking the vote very shortly. It will be duly recorded within an official session of the legislature rather than in the Committee of the Whole where it cannot be recorded.

CHAIRMAN HETTRICK:

Beyond that, Mr. Price, I would point out that subsection 6 that you just quoted says that the power is limited to recommendation, but it is not required. There is no recommendation required. Mrs. Landing also informs me that by precedence this is the way we have handled it in the past. We do not recommend or come out with a recommendation, but we report back.

ASSEMBLYMAN ERNAUT:

Mr. Chairman?

CHAIRMAN HETTRICK:

Mr. Ernaut?

ASSEMBLYMAN ERNAUT:

I move the Committee of the Whole now do rise and report back to the Assembly.

CHAIRMAN HETTRICK:

Assemblyman Ernaut has moved the Committee of the Whole do rise and report back to the Assembly. All those in favor signify by saying "Aye". Opposed, "No." Motion carries. I call the Assembly back to order.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Resolution No. 8.

Resolution read.

The following amendment was proposed by Assemblymen Dini, Perkins, Giunchigliani, Buckley, Anderson, Arberry, Bache, Chowning, de Braga, Evans, Freeman, Goldwater, Krenzer, Manendo, Ohrenschall, Price, Schneider, Segerblom, Spitler and Williams:

Amendment No. 192.

Amend the resolution, page 2, by deleting lines 11 through 28 and inserting:

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the Assembly of the State of Nevada vehemently reaffirms its opposition to the permanent storage of high-level radioactive waste in Nevada and its opposition to any amendment of the Nuclear Waste Policy Act which would allow the siting of an interim storage program or monitored retrievable storage program in Nevada; and be it further

RESOLVED, That the Assembly of the State of Nevada supports the First Amendment rights of all citizens of the United States to express freely their views on public policy issues, recognizing the right of freedom of speech is meaningless if it applies only to popular speech; and be it further

RESOLVED, That the Assembly of the State of Nevada, regardless of the issue under consideration, supports the right of all local governments to express their views to the state and Federal Government, even if their views are unpopular, contrary to the wishes of the majority of Nevadans, and likely to be injurious to the health, safety and well-being of the citizens of the State of Nevada; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this Resolution to the Nevada Congressional delegation, the Board of County Commissioners of Lincoln County and the Caliente City Council.".

Amend the preamble of the resolution, pages 1 and 2, by deleting lines 1 through 28 on page 1 and lines 1 through 10 on page 2 and inserting:

"WHEREAS, The Nevada Legislature has concluded that the storage of high-level radioactive waste in Nevada poses a severe threat to the health and safety of the current and future generations of Nevadans because of the extremely dangerous nature of such waste and the persistence of that danger for an extended period; and

WHEREAS, The Nevada Legislature believes that the storage of high-level radioactive waste in Nevada would pose a severe threat to the tourist-based economy of the State of Nevada; and

WHEREAS, The Nevada Legislature believes that neither the Federal Government nor the nuclear industry has engaged in a fair process for the selection of a site for nuclear storage facilities; and

WHEREAS, The Nevada Legislature believes that the nuclear industry has and will continue to engage in tactics designed to locate a nuclear "dump" in the State of Nevada, despite many legitimate concerns regarding public safety and regardless of the amount of money the industry must spend to do so; and

WHEREAS, An overwhelming majority of the people of this State do not support the construction and operation of a nuclear "dump" in the State of Nevada; and

WHEREAS, The members of the County Commission of Lincoln County and the Caliente City Council have taken actions which may be characterized as showing support for the construction of a nuclear "dump" in Nevada; and

WHEREAS, The members of the County Commission of Lincoln County and the Caliente City Council have passed Joint Resolution No. 2–95 which requests the payment of $1 million annually to the Caliente City Council and $2 million annually to Lincoln County before the shipment of nuclear waste to Lincoln County, and $30 million upon the arrival of nuclear waste in Lincoln County and $10 million annually thereafter to Lincoln County if Congress decides to enact the Nuclear Waste Policy Act during the 95th session of Congress; and

WHEREAS, By passing Joint Resolution No. 2–95 the County Commissioners of Lincoln County and the Caliente City Council have not only ignored the wishes of the majority of Nevadans and disregarded the official State policy regarding interaction with the Federal Government on this issue, they have also increased the danger of transforming this beautiful state into a nuclear dumping ground; and

WHEREAS, The First Amendment right of each local government to express its views to the state and Federal Government is not limited to popular speech, it extends to the expression of views which are politically unpopular and which blatantly disregard the health, safety and well-being of the citizens of the State of Nevada; and

WHEREAS, This constitutional right of free speech even protects speech which is uninformed, has been influenced by special interests willing to spend millions of dollars to have their viewpoint prevail and endangers the legal position of the State of Nevada in its fight to prevent the construction of a nuclear "dump" here; and

WHEREAS, The Attorney General of the State of Nevada filed a civil Complaint for Removal from Office in the Seventh Judicial District Court of the State of Nevada in and for the County of Lincoln (Case No. 13–3–95 LC) against certain individual members of the Board of County Commissioners of Lincoln County and the Caliente City Council which requests the court to issue an order "which will have the effect of removing each of the Defendants from their respective offices"; and

WHEREAS, If a resolution were to be adopted by the Assembly which expressed disapproval of the Attorney General for filing that civil Complaint, that resolution could be used by the nuclear industry in its fight against Nevada to show dissention between the Nevada Legislature, the Governor and the Attorney General regarding the nuclear "dump" despite the fact that the Nevada Legislature, the Governor, the Attorney General and a majority of the citizens of Nevada believe that the "dump" will be injurious to the health, safety and well-being of the citizens of this state; and

WHEREAS, Despite the passage of a Senate Resolution expressing disapproval of the Attorney General for filing that civil Complaint, it is of vital importance to make absolutely clear that the official position of the State of Nevada is that the construction and operation of a nuclear "dump" will be injurious to the health, safety and well-being of the citizens of the State of Nevada; now, therefore, be it".

Amend the title of the resolution to read as follows: "Reaffirming the right of free speech and legislative opposition to storage of high-level radioactive waste in Nevada.".

Amend the summary of the resolution to read as follows: "Reaffirms right of free speech and legislative opposition to storage of high-level radioactive waste in Nevada. (BDR R-1936)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Humke, Ernaut, Buckley, Carpenter, Krenzer, Dini, Steel, Tiffany, Price and Allard.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GIUNCHIGLIANI:

I offered this amendment in order to properly focus on what this issue is about. Amendment No. 192 accomplishes what I have heard both in the halls the last days, as well as what I have heard on the floor during the debate on Assembly Resolution No. 8. It reaffirms our long-standing state policy of opposition because the storage of high-level nuclear waste proposes severe threat to the health and safety of Nevadans and poses a severe threat to our tourist economy. The legislature, the Governor and the Attorney General have consistently opposed nuclear waste being stored here. Nevadans have consistently said "no" to storing nuclear waste and have constantly said "no" to selling the state's future by negotiating with the carpetbagging nuclear industry.

Further, this amendment notes that the Lincoln County Commissioners have taken action showing support for a nuke dump stored in their county with disregard for the safety and welfare of the rest of the state. It also references that they have suggested a monetary "scheme" in their resolution which implies that some in Nevada can be bought by the nuclear industry. But while the amendment states that the individuals involved may have jeopardized Nevadans through its complete disregard for our state policy, it also does not condemn the Commissioners, the Council, the Governor nor the Attorney General. It doesn't get personal as some of the rhetoric did yesterday as well as some of what we've heard today. It doesn't cause this body to act as both the judge and jury in the consideration of whether or not what the Attorney General did was correct or whether or not what the council and commission did was correct. That is for the court to decide, not this body.

In addition, the amendment makes it absolutely clear that even though the Lincoln County officials may have jeopardized our policy and sent a mixed message to Washington, they have every right to speak out. We must protect our First Amendment right to discuss, debate and disagree even if it's unpopular. That is their right under the First

Amendment. I just hope that my peers who have capitalized on this political issue by wrapping themselves around the First Amendment would continue to do so even if a resolution came forth supporting flag burning as a symbol of free speech or to support picketers to be outside public sidewalks.

What this amendment provides is a positive solution so that we can come back together and set aside any partisan politics. What it states and adamantly reaffirms is our opposition to the storage of nuclear waste which Assembly Resolution No. 8 does not, and it clarifies our support of one's right to free speech. Let me make this very clear, if you vote in support of this amendment you are supporting our no-nuke-dump policy and the First Amendment. If you vote no on this amendment, you are voting against the First Amendment and you are saying you are in favor of the storage of nuclear waste. Thank you.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in opposition to Amendment No. 192 to Assembly Resolution No. 8. The kindest thing that I can say about this amendment is that it does mention the First Amendment, but it damns with faint praise. I would quote from page 2 of the amendment, new language, "Resolved that the Assembly of the State of Nevada, regardless of the issue under consideration supports the right of all local governments to express their views to the state and Federal Government even if their views are unpopular. Contrary to the wishes of the majority of Nevadans, and likely to be injurious to the health, safety and well-being of the citizens of the State of Nevada," and it goes on.

Later, at page 4, there is a similar reference reading from the amendment, "Whereas the First Amendment right of each local government to express its views to the state and Federal Government is not limited to popular speech, it extends to the expression of views which are politically unpopular and which blatantly disregard the health, safety and well-being of the citizens of the State of Nevada." Then it goes on additionally to call attention to the very resolution that the Lincoln County Commissioners did pass and finally it does change the title and summary of the bill at page 5. Language as follows: "Reaffirming the right of free speech and legislation opposition to the storage of high-level radioactive waste in Nevada." And that language is essentially repeated in the summary. Mr. Speaker, I would say that this is one of the oldest tricks in the book. It literally takes a bill that says "A" and changes it into a resolution that says "B." No member should be fooled by this. This is not the intent of the makers and it should not be given consideration. If the proponents wish a resolution, they should go and get a resolution. Thank you.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I, too, rise in opposition to Amendment No. 192 to Assembly Resolution No. 8. Although, nice try. In no way do I support the storing of nuclear waste in Nevada, but I am not sure that this amendment does that. And number two, I am not sure that in the way that it addresses the First Amendment it reaffirms my right or my opinion on the First Amendment because I would say that this probably would have to be a constitutional challenge for the points that my colleague from Washoe County brought up.

First of all, we need to make something very clear—that the purpose of Assembly Resolution No. 8 was to admonish an act that the co-signed felt was inappropriate and out of bounds, a clear abridgement of free speech. This amendment to this resolution, while it's trying to place our chess pieces in check, certainly again fools nobody. I find it the height of demagoguery. But, with that being said I would ask the prime sponsor of this amendment, if indeed, that she feels this way about the First Amendment as it relates to Assembly Resolution No. 8. Does this mean that the undersigned will stand for another resolution after the Attorney General has dismissed the suit?

ASSEMBLYMAN BUCKLEY:

Thank you, Mr. Speaker. To you and through you to my colleague from Assembly District No. 37. It is not to make a judgment regarding whether or not I wish to call on the Attorney General to withdraw anything, I think that is up to the Attorney General and the Governor in the area of separation of power. However, if your offer is to take the resolution I presented, as well as the resolution that is currently on the books, because

neither one seems to accomplish what both parties seem to think they are saying, sit down and work out a compromise, I would be more than happy to put this bill on the desk and work out a compromise with my colleagues.

ASSEMBLYMAN ERNAUT:

To you and through you to my colleague from District No. 9, I am very reticently acknowledging your offer of a compromise. However, I would point out to you that this amendment was not in any way born of compromise, nor of acknowledgment by the Republicans. In fact, it was just passed out today, and it was passed out to the Democrats and not to the Republicans. So, I'm not sure that the good faith of compromise is in the air today, although the original resolution was indeed brought to every member of this body save a couple that I couldn't find to ask their opinion on it. So, in saying that I would ask this body to defeat Amendment No. 192, to pass Assembly Resolution No. 8 and if we want to discuss again another resolution asking for the dissolving of the lawsuits by the Attorney General, I would be all ears.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I appreciate your patience. To you and through you to my colleague, I would state by looking at the names who signed on and did not sign on to a bill is not indicative ever of support and that has been our past practice. I was never asked to look, nor sign on to Assembly Resolution No. 8. The amendment was worked out last evening by myself and my colleagues. I did inform my colleagues that I was bringing an amendment forth. If there is a wish for a caucus or to work some kind of compromise, again we'd be more than willing to work with them. Thank you.

ASSEMBLYMAN BUCKLEY:

Thank you, Mr. Speaker. I rise in support of Amendment No. 192 to Assembly Resolution No. 8. I believe that the amendment does capture a bit of the oldest trick in the book. But, I think that there is a reason for that. And, I think that the reason relates to any amendment concerning the first amendment and unpopular speech. If this amendment was to condemn someone for refusing to allow someone to make a racist or anti-semitic remark, I believe it is only appropriate that in addition to that censure of that person for violating the First Amendment right, that you restate your opposition to racism and anti-semitism. I think that was the trick that was attempting to be accomplished in Amendment No. 192 and that is to say while everyone in the State of Nevada has a First Amendment right to speak, while local government officials have the right to speak and to redress government, that does not necessarily mean that we support a nuclear dump in Nevada. That was the intention of Amendment No. 192. If this debate, is indeed, about the free speech issue, and if indeed those individuals who believe in freedom of speech also are against the nuclear dump, I believe that Amendment No. 192 should be adopted. It supports wholeheartedly the right to free speech. It specifically supports local government's right to express support for a nuclear dump. It also expresses our view that a nuclear dump poses a serious threat to the health and safety of current and of future Nevadans. It also expresses concern that Lincoln County Commissioners and the Caliente City Council are ignoring the wishes of the majority of Nevadans. I think that this is exactly the type of message that we have to send. That we support the right to say something that we don't agree with, but to again reiterate why we don't agree with it. Additionally, this resolution cures, I believe, a fatal defect in the original Assembly Resolution No. 8 that condemns the Governor for exercising his First Amendment rights. I don't think that we can substitute in a resolution by saying we don't support anyone who crushes First Amendment rights and in the wake of it, we crush the Governor's First Amendment rights. If this debate is about free speech only, and to reaffirm our opposition to the nuclear dump, I urge your support of Amendment No. 192.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in disapproval of Amendment No. 192. The reason I do is that I don't think that it goes to the core of the issue. The issue, as I see it, is should we be removed from office if we speak out, or pass a resolution, or whatever against anyone? I do not believe that the Attorney General should have that kind of power to remove someone from office. I think the Attorney General has the right to try to declare a

resolution, or ordinance or whatever unconstitutional if it be against the law of the State of Nevada or the United States, but I don't think that those people should be removed from office. And this amendment does not go to the heart of that issue. Therefore, I urge you to not support this amendment. Thank you.

ASSEMBLYMAN KRENZER:

Thank you, Mr. Speaker. I rise in support of Amendment No. 192 to Assembly Resolution No. 8. I feel that this amendment balances Lincoln County's rights, freedom of speech and also restates the overwhelming majority opinion of the people of the state in opposition to the storage of high-level radioactive waste.

I would also ask what was the last two hours about if a resolution is at hand that does not reflect the testimony given, does not reflect the true picture of the testimony given by our Attorney General, does not, in fact, discuss her many attempts to communicate with the officials in Lincoln County, nor does it address Lincoln County's exclusion of public testimony on this issue? I rise in support of this amendment because it does strike a balance. It strikes a balance by stating the two issues clearly. If this amendment is not accepted, I would support putting this on the desk and formulating a resolution that clearly states the testimony that we have heard today. Assembly Resolution No. 8 does not do that. I therefore rise in support of Amendment No. 192.

SPEAKER DINI:

Thank you, Mr. Speaker, members of the Assembly. You know I was reading a little bit of a news article, last week and I rise in support of the amendment based on the grounds of a couple of things that I want to say. Last week the former Attorney General and presently the chairman of the opposite political party, made the statement that the Attorney General had no choice but to file the action—that she was doing her duty. He said it publicly and I think he meant it based on the facts that the Attorney General has to enforce the laws of the State of Nevada. The other thing that I really feel concerned about, if we don't adopt the amendment, is that we are giving away the power of this legislature to legislate to the counties and the cities. They are creations of ours. We created counties, we created cities. We give cities more power than the counties do, actually, because they have local city charters. But you know, if we want to govern, we have to be the force that is going to stand behind the executive branch of government. There is a separation of powers, sure, but we pass laws. The Governor signs the law and it becomes a law and the executive branch has to enforce the act. And, I think we are giving up a lot of power adopting this resolution without this amendment.

I think we have to reiterate the right of free speech. We all have that right. We all want everybody to say what they want to us. They tell us everything they want, anyway. That's for sure, whether it's in the press, at home or on the telephone. But, the other side is that we don't want people to go away from the legislature feeling that we are trying to deprive anybody of free speech. I'm not trying to condemn the Lincoln County Commissioners. They did their job, I guess, what they felt they were doing, so I don't think that they can stand up to the legislature and the Governor and say, "You've got a law, but we don't have to obey it."

And we have to get down to another resolution or amend this resolution to make it proper so that we send the right message out. We're for free speech. We want to oppose the nuclear dump being located in this state at any location, whether it be Yucca Mountain or outside Lincoln County. And I know that Lincoln County has had a tough time. Economically they have been really suffering for a long time. They have been going downhill and downhill. Whether it's their location or whether it is other problems within their government, I don't know. It's not my job to determine that. However, the past record of Lincoln County in this chamber has been to bring the dirtiest industry in the world into Nevada and locate them in their county, and it is time that they wake up and if they want economic development to go out and get some jobs that they can bring into their community that will not condemn our state to be the dumping ground of the world.

I believe the Attorney General was correct this morning when she stated that the most important economy is gaming. We are being attacked at all levels, whether it is Federal Government, Indian reservations or whatever you want to talk about. We are being attacked and business is being taken away from this state. And there are new moves in

California. We cannot do anything that will cause any kind of deficiency and not bring business to our community. So, I urge you to support this amendment. If you cannot support this amendment, let's put it on the desk, go to the drawing board and create an amendment that we can all live with. I urge your support of the amendment.

ASSEMBLYMAN STEEL:

Thank you, Mr. Speaker. To you and through you to this honorable body. I rise in opposition to Amendment No. 192. My reason is very simple. The resolution that we are considering here today is a resolution on free speech. It does not condemn the nuclear waste dump; it does not condemn the Lincoln County officials. It's just a free speech issue. What this amendment asks us to do as a body is to put our votes down whether we approve or disapprove of the dump, without really having actual testimony on the nuclear dump issue. We've heard whether it's okay to say something about it, but we haven't heard anything on the issue. We are looking at apples and oranges here, and I think that we should defeat this amendment. Thank you.

ASSEMBLYMAN TIFFANY:

Thank you, Mr. Speaker. I rise in opposition to this amendment. This amendment, to me, is 180 degrees from the original intent and purpose of this resolution. I am personally offended that we can take the First Amendment and tie it to a policy issue. I couldn't believe it. We have briefly touched on the First Amendment. But there are pages that have brought in terminology like storage of high-level radioactive waste, fair process of selection of a site, construction operation of a nuclear dump. Then, it goes on and on about money and the rhetoric about Lincoln County selling out for money. That, is not the purpose of this bill and I do not support us going to the table, because we are too far apart on this and this attempt is good. It has a purpose and it deserves to have a vote on it today. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to this honorable body. First, while we are on the record, I would like to congratulate the floor leaders on both sides, yourself and this body for the conduct and the service that we have provided to the citizens of this state today unlike our colleagues at the other end of the hall, we as the people's branch of government. The closest of any elected officials to the people, which is why we are sometimes called that have allowed the people to have their say and we have brought this issue before them in a manner that we can be proud of.

I am rising in support of the amendment, although I will tell you candidly that the amendment does not address all of the issues that I feel should be addressed by this body on this subject matter.

I congratulate and I support the Attorney General for doing what she perceives and I agree by what the letter of the law is supposed to do and that is to, in her opinion, and the opinion of anyone sitting in that office, to exercise their power to enforce the laws of the state.

As an aside, I'm looking forward to see this vigor in addressing the open meeting law in the future. I couldn't resist getting that in. We are elected in districts by a few people. In my case, the last time I had an election there were 11,000 people. We are elected to represent the entire state, the interests of every person who crosses the border into this great state. Our colleagues from Lincoln County, from the City of Caliente, from the City of Las Vegas or from any other political district are elected or appointed to represent the views and interests of their district, not necessarily the entire state. They are elected to represent the people who brought them to office. I personally have no problem, and neither should any of us have a problem if from time to time those interests may be of a different opinion than the interests we share in this body. There are plenty of forums, in some cases legal and in some cases debate and many other things to handle those. By the way, in response to my colleague who was concerned about changing what appears to be the issue through amendment, that is the compromise process which is the essence of debate and compromise in legislative bodies. If it were not, we could be in some country that had a king or czar who is going to tell everyone what to do. The basic emphasis of this body is to put forth ideas, sometimes by debate, sometimes by bills, and to debate that and

to come to a mutual agreement. Most of the time it is not quite as close as 21 to 21, but a mutual agreement. And that is the wonderful thing about the process that we have and we should all appreciate it. In my mind today, for whatever it is worth, I heard an Attorney General who expressed to us her understanding of the law, what she felt that she had to do and I agree with her. We heard a body from a county and a city that I respectfully suggest had plenty of argument to add to the confusion. Although I want to tell you that I disagree with them, I would not have voted for that particular action, but that is neither here nor there. That is their collective right under the constitution of this state and what should be the principles of our state and this body. They did collectively for whatever reason, what they thought was correct. I think that we have a forum here through this resolution . . . the proposed amendment. I think we have the opportunity, to some degree, to sit down and negotiate or help resolve this issue without having it be partisan, without attacking anyone, encouraging the coming together of the two parties that have been discussed here, the two branches of government to some amenable resolution. We do not have to embarrass the Governor. We do not have to embarrass us. We do not have to embarrass anyone. Now, I don't have any problem doing that, by the way, when I feel that strongly about it. I have thought about it. I have to tell you I thought about a resolution against another branch of government earlier this year on some of their actions, but in this case I think that it is incumbent upon us and I would beg my colleagues, Republican, Democrat, North, South and rural, to use our power to sit down and bring together the parties in this manner in a dignified and responsible and non-embarrassing manner to anyone regardless of who they are.

Again, sounds a little weird, but I have to say that I agreed with almost every statement by all of my colleagues on both sides because the truth and the intent has been in parts of all of us. I would encourage the adoption of this because it makes it a little less offensive than before. But, I would strongly encourage all of us, regardless of Republican or Democrat, to take a few days or a few hours to sit down, eventually bring this to the desk and see if we cannot resolve it in a less combative matter. Thank you.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. If we are going to talk about the Attorney General suppressing free speech because it was her duty to carry out the laws of the State of Nevada, then, let's talk about it. Let's talk about it honestly and let's talk about it intellectually.

In 1993, we had a resolution in the State of Nevada. That resolution asked for us to negotiate for benefits if the nuke dump came to the State of Nevada. My recollection is that five Senators voted for that. Why weren't they removed from office? Just this week the Washoe County District Attorney went on television and said the District Attorney's Office will, in fact, violate state law. They will prosecute trace amounts of drug possession as a misdemeanor rather than a felony. Whether you agree or disagree with that, ultimately it is in violation of state law. Will the Attorney General's Office prosecute immediately? That is not what we are talking about here. And, that is a cop out to say that she was doing her duty. She was negligent in doing her duty, punitively doing her duty. So let's be honest about this, okay?

Number two, if we are talking about this amendment on my bill as being congruent, than I would like to talk to the benevolent chairman of taxation by saying that I would love to amend my Ponderosa County bill on your annual session bill. It's about that congruent.

Assembly Resolution No. 8 talks about free speech, period. Plainly, simply, clearly. It's not about the nuke dump and I'll not vote for an amendment which brings that issue into the issue of the First Amendment right of free speech. Now, I will say to the people who want to vote for this amendment, get your own resolution.

SPEAKER DINI:

Thank you, Mr. Speaker. I will have trouble following that act, but I want to disagree just a little bit with my distinguished colleague from Washoe County and the lady from Clark County in District No. 21. The thing is, when you go along in this legislative process for a long time, you have to make some tough decisions. This resolution, as presently written, only censures the Attorney General and the Governor for doing their duties. You know, the toughest vote I ever made in this House was a vote I made to censure one of our members several years ago. It was the toughest vote I ever made in my

life. And, when you go to censure a constitutionally-elected official then you had better have more than what I have heard here this morning in evidence of what they have done in violation of doing their duties. You elect them; you constitutionally give them certain rights. We give them statutes, tell them to enforce them and I think we have got to get back to that basic. Don't censure someone unless you have the evidence to show that they did something wrong, because it is the worst vote that you will ever make in your life.

ASSEMBLYMAN ALLARD:

Thank you, Mr. Speaker. I rise in opposition to this amendment. I agree with Speaker Dini in that the Attorney General has a responsibility to uphold the laws of the state. The Lincoln County officials didn't break any laws, and therefore, the suit is wrong and Assembly Resolution No. 8 condemns the Attorney General's action in filing this suit. The amendment is more ostentatious. It has been said that this is a nuclear waste issue being wrapped in a First Amendment shroud. But I submit to you that this is a First Amendment issue being wrapped in a nuclear waste cloud, and I therefore oppose this amendment and urge you to do the same. Thank you.

Assemblymen Marvel, Anderson and Allard moved the previous question.

Motion carried.

The question being on the motion to adopt Amendment No. 192 to Assembly Resolution No. 8.

Assemblymen Perkins, Ernaut and Anderson requested a roll call on Assemblyman Marvel's motion.

Roll call on Assemblyman Marvel's motion:

YEAS—27.

NAYS—Bache, Buckley, de Braga, Evans, Giunchigliani, Goldwater, Krenzer, Manendo, Ohrenschall, Perkins, Price, Schneider, Segerblom, Spitler, Mr. Speaker Dini—15.

The motion having received a majority, Mr. Speaker declared it carried.

Assemblymen Perkins, Ernaut and Marvel requested a roll call on Assemblyman Giunchigliani's motion.

Roll call on Assemblyman Giunchigliani's motion:

YEAS—19.

NAYS—Allard, Batten, Bennett, Braunlin, Brower, Carpenter, Close, de Braga, Ernaut, Fettic, Harrington, Humke, Lambert, Marvel, Monaghan, Neighbors, Nolan, Sandoval, Steel, Stroth, Tiffany, Tripple, Mr. Speaker Hettrick—23.

The motion having failed to receive a majority, Mr. Speaker declared it lost.

Assemblyman Perkins moved that Assembly Resolution No. 8 be placed on the Chief Clerk's desk.

Assemblymen Perkins, Evans and Bache requested a roll call on Assemblyman Perkins' motion.

Roll call on Assemblyman Perkins' motion:

YEAS—20.

NAYS—Allard, Batten, Bennett, Braunlin, Brower, Carpenter, Close, Ernaut, Fettic, Harrington, Humke, Lambert, Marvel, Monaghan, Neighbors, Nolan, Sandoval, Steel, Stroth, Tiffany, Tripple, Mr. Speaker Hettrick—22.

The motion having failed to receive a majority, Mr. Speaker declared it lost.

Assemblyman Ernaut moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani and Anderson.

Assemblymen Bennett, Bache and Harrington moved the previous question.

Motion carried.

The question being on the motion to adopt Assembly Resolution No. 8.

Assemblymen Giunchigliani, Ernaut and Close requested a roll call on Assemblyman Ernaut's motion.

Roll call on Assemblyman Ernaut's motion:

YEAS—24.

NAYS—Anderson, Arberry, Bache, Buckley, Chowning, de Braga, Evans, Freeman, Giunchigliani, Goldwater, Manendo, Ohrenschall, Perkins, Schneider, Segerblom, Spitler, Williams, Mr. Speaker Dini—18.

The motion having received a majority, Mr. Speaker declared the resolution adopted.

Assemblyman Price gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Resolution No. 8 was this day adopted.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 138; Senate Concurrent Resolution No. 10.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Toni and Marv Dennington.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Dalton L. Hooks.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Reba Coombs and the following students of Fernley High School: Melody Carpenter, Steph Detrick, Laura Depaoli, Chrissy McDonald, Tamara Livingston, Cory Davis, Gabe Sabatoni, Lindsey John, Delon Palmer, John Bushek, Jerrod McIllvain, Luke Rupp, Laura Price, Rudy Hill, Shawna Sliger, Jen Lehman, Lori Hallgren, Heather Newman, Rachel Milich, Mandy Kirk, Jamie Jackson, Emma Kramer and Chris Thomas and teacher Pete Chapin.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Mark Twain Elementary School: Jessie Ayres, Tiffany Brown, Jeff Bushey, Jeremy Crank, Alica Eppler, Maria Garcia, Heather Grajeda, Krista Kerfeld, Jonika Macdonald, Britany Mackie, Erin Marshall, Arturo Martell, Josh Mauldin, Chris Meffard, Lara Moore, Pete Morris, Sebastian Musidak, Martezia Sanchez, Ashley Sebring, Danny Shannon, Danielle Stenz, Martha Tinajero, Crystal Trujillo, Nathaniel Allen, Chris Annas, Heather Cortez, Laura Diaz, Dan Ford, Ariadne Gonzalez, Loree Haggerty-Crandall, Sacora Hanson, Jessica Hein, Daniel Herrera, Stephanie Hovden, Shane Maddox, Josh Milner, Cortney Mitchell, Paul Packer, Greg Parkhurst, Joe Roman,

Blanca Sanchez, Amanda Saunders, Desiree Werner, Rikki Zafranovich, Carlene Barney, Sarah Chadwick, Elizabeth Contreras, Ken Dominici, Savana Freeman, Chelsea Heath, Noemi Hernandez, Greg Holmes, Jamie Masters, Kassandra McGehee, Jadhan Ohl, Randy Rotiz, Shelby Pasillas, Casey Plum, Jared Prescott, Jorge Pulido, Jessica Shouppe, Katie Stinger, Jeff Stroup, Jeremy Williams, Juan Castro, Brandon Hubbard, Greg Andrews, Kendra Bostic, Amber Ballam, Kaihin Brush, Eric Collins, Chris Cook, Jeff Davenport, Krista Etchison, Elizabeth Garcia, Heath Gibson, Casey Hurles, Anel Ledesma, Angelica Leisle, Andrew Madsen, Robyn Mazy, Jacob Oxoby, Shandah Styes, Rebecca Tims, Jessica Ross, Tomoko Kuroiwa and Jerry Wallis; teachers Nikki Bright, Barbara Culbert, Laura Koberna and Laurie Nellis; chaperones Pam Sebring, Gilbert Ayres, Danielle Thurman, Reane Cortez, Diana Zafranovich, Gary Crocker, Julie L. Stinger, Mike Chadwick and Lori Tims.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia E. Hicks, Jacqueline Sneddon and Brian Lent.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to B. J. Thomas and E. J. Thomas.

Assemblyman Ernaut moved that the Assembly adjourn until Friday, March 31, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 2:45 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTY-FIFTH DAY

CARSON CITY (Friday), March 31, 1995

Assembly called to order at 11:08 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

O God our Father, You are life and inspiration. You have inspired apostle and prophet, poet and singer, statesman and politician. Bless this Assembly and inspire all gathered here to loftier thoughts, higher ideals and greater service to mankind. In the Savior's Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 304, 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, March 30, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 21, 23, 29, 53, 108, 193.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 9, 16.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 6 of the 67th Session.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 15, 148, 200, 209, 213, 258, 278.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 85, 155, 202, 232, 272.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 124 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Bache moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 304 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Bache.

Motion carried unanimously.

Assemblyman Bache moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 305 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Bache.

Motion carried unanimously.

Assemblyman Bache moved that Senate Bills Nos. 304, 305 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 15.

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

Motion carried.

Senate Bill No. 85.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 148.

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

Motion carried.

Senate Bill No. 155.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 200.

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

Motion carried.

Senate Bill No. 202.

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

Motion carried.

Senate Bill No. 209.

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

Motion carried.

Senate Bill No. 213.

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

Motion carried.

Senate Bill No. 232.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 258.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 272.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 278.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 304.

Bill read third time.

Remarks by Assemblymen Bache and Giunchigliani.

Roll call on Senate Bill No. 304:

YEAS—42.

NAYS—None.

Senate Bill No. 304 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 305.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 305:

YEAS—42.

NAYS—None.

Senate Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 191.

Bill read third time.
Remarks by Assemblyman Fettic.
Roll call on Assembly Bill No. 191:
YEAS—42.
NAYS—None.

Assembly Bill No. 191 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 285.
Bill read third time.
Remarks by Assemblyman Segerblom.
Roll call on Assembly Bill No. 285:
YEAS—41.
NAYS—Tiffany.

Assembly Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 294.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Assembly Bill No. 294:
YEAS—42.
NAYS—None.

Assembly Bill No. 294 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 337.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Assembly Bill No. 337:
YEAS—42.
NAYS—None.

Assembly Bill No. 337 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 60.
Bill read second time.
The following amendment was proposed by the Committee on Labor and Management:
Amendment No. 82.
Amend section 1, page 1, by deleting lines 4 and 5 and inserting: "*in the course of employment is fatal to one or more employees or results in the hospitalization of three or more employees, and is caused, in whole or in part, by any equipment*".

Amend section 1, page 1, line 17, after "*questioning*" by inserting: "*in a reasonable amount of time*".

Amend sec. 2, page 2, lines 7 and 8, by deleting: "or in writing" and inserting: "[or in writing]".

Amend sec. 2, page 2, by deleting line 9 and inserting: "[accident has occurred.] *time that the accident is reported to any agent or employee of the employer. A report submitted to the division pursuant to the provisions of this*".

Amend sec. 2, page 2, between lines 17 and 18, by inserting: "*Upon receipt of such a report, the division shall notify the employer of the estimated time that the division's investigator will arrive at the site of the accident. The division shall initiate an investigation at the site of the accident within 8 hours after receiving the report.*".

Amend the title of the bill, second line, by deleting "potentially fatal" and inserting "serious".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 346.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 357.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblyman Giunchigliani:

Assembly Concurrent Resolution No. 18—Commending the Nevada Parent Teacher Association.

WHEREAS, The welfare and education of the children of Nevada is of the utmost concern to all residents of Nevada; and

WHEREAS, For 55 years, the Nevada Parent Teacher Association has played an important role in Nevada's educational process; and

WHEREAS, To keep parents informed on the latest educational issues locally and nationally, the Nevada Parent Teacher Association publishes and distributes monthly an informative educational brochure entitled "News Parents Can Use"; and

WHEREAS, The Nevada Parent Teacher Association has also kept parents advised on health-related matters in their monthly publication, "Health and Welfare Alerts"; and

WHEREAS, Last year the Nevada Parent Teacher Association embarked on a statewide campaign to provide parents with the most current information relating to AIDS; and

WHEREAS, Current membership in the Nevada Parent Teacher Association is approximately 30,000; and

WHEREAS, At the end of March 1995, over 300 delegates from the Nevada Parent Teacher Association participated in a 4-day state convention where they attended several seminars relating to education culminating on April 3 with a visit to the Nevada Legislature; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 68th session of the Nevada Legislature commend the Nevada Parent Teacher Association for their continuing efforts to improve the education of Nevada's children; and be it further

RESOLVED, That Lyn Bennett, President of the Nevada Parent Teacher Association is hereby commended for her dedication and capable leadership as she concludes her third year as President of this outstanding organization; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Lyn Bennett.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 2.

The following Senate amendment was read:

Amendment No. 145.

Amend the resolution, page 1, line 28, after "state" by inserting: "and all school officials".

Amend the resolution, page 2, line 6, by deleting "drugs;" and inserting: "drugs, as well as make use of appropriate remedial and treatment programs for such children;".

Amend the resolution, page 2, line 8, by deleting "and each" and inserting: ", county school district and".

Amend the preamble of the resolution, page 1, line 25, after "children" by inserting: "and require their participation in appropriate remedial and treatment programs".

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

"ASSEMBLY CONCURRENT RESOLUTION—Urging peace officers, school officials and juvenile and district courts to take prompt remedial action against juveniles who".

Amend the summary of the resolution by deleting the first and second lines and inserting: "Summary—Urges certain public officials to take prompt remedial action against juveniles who violate laws related to".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 2.

Remarks by Assemblymen Anderson and Bache.

Motion carried.

Resolution ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bills Nos. 39, 111, 112.

REMARKS FROM THE FLOOR

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I would remind the benevolent Chairman of Taxation that it still takes 22. Along those lines, I have a document that I would like placed in the record today. I'd like to read it to you.

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
Capitol Complex
Carson City, Nevada 89710

To: Jim Hulse
FROM: Misty Young, *Executive Assistant*
PHONE: (702) 687-3512 FAX: (702) 687-5798
DATE: March 20, 1995

Jim, here are the Lincoln County lawsuit documents. Thanks for your help. I hope that you personally will be able to write a letter to the editor for publication ASAP, and that Common Cause may stand firmly in favor of this action.
Thank you again.

The significance of that date is that's the date the Lincoln County complaint was filed. I would report to this body that if we debated motivations yesterday, and we debated who was politically motivated, I contend that sending a copy of the documents, alleged documents, to a politically charged agency who is against the dump, maybe even prior to those affected by the complaint, asking for a letter writing campaign, is very politically motivated. So if the defense of free speech rights was that the Attorney General was merely doing her duty, I would say to you in light of this, that is, at best, erroneous.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Kathryn Keever and Charlotte Hill.

Assemblyman Perkins moved that the Assembly adjourn until Monday, April 3, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:44 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTY-EIGHTH DAY

CARSON CITY (Monday), April 3, 1995

Assembly called to order at 11:31 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Batten, who was excused.

Prayer by the Chaplain, The Reverend Bill McCord.

O Lord, our God, I pray for Your blessing on those assembled here this morning. May they personally know of Your loving care. With knowledge of Your steadfast love and abiding presence, may they be bold in their decisions to bring justice for the people they serve. May they be a voice for people who have no voice. This, I pray to You, O Lord our God, the Creator of us all. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 3, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 17.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Joint Resolution No. 26—Expressing the vehement opposition of the State of Nevada to storage of radioactive waste in Nevada.

Assemblyman Bache moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Close, Hettrick, Arberry, Giunchigliani, Lambert, Chowning, Harrington, Nolan, Bennett, Goldwater, Spitler, Tiffany, Marvel, Fettic, Allard, Buckley, Segerblom and Neighbors:

Assembly Joint Resolution No. 27—Proposing to amend the constitution of the State of Nevada to provide for the initial selection of judges by appointment with an annual review of their performance and their subsequent retention by election.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That a new section be added to article 6, and sections 3, 5, 15 and 20 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 22. 1. Commencing with any term of office that expires on or after December 31, 1999, each justice of the supreme court and judge of a district court who desires to succeed himself shall, on or before July 1 next preceding the expiration of his term of office, declare his candidacy in a manner provided by law. With respect to each justice or judge who so declares, the question must be presented at the next general election, in a form provided by law, whether that justice or judge shall succeed himself. The term of office of each justice or judge who succeeds himself is 6 years, beginning and ending on the first Monday of January in the respectively appropriate years.

2. If a justice or judge does not declare his candidacy, or if a majority of the votes cast on the question of his retention are cast against his succeeding himself, a vacancy is created at the expiration of his term which must be filled by appointment pursuant to section 20 of this article. The initial term of the justice or judge appointed to replace the justice or judge who is not succeeding himself is the term the former justice or judge would have served had he succeeded himself.

[Sec: 3. The Justices of the Supreme Court, shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of Six Years from and including the first Monday of January next succeeding their election; Provided, that there shall be elected, at the first election under this Constitution, Three Justices of the Supreme Court who shall hold Office from and including the first Monday of December AD. Eighteen hundred and Sixty four, and continue in Office thereafter, Two, Four and Six Years respectively, from and including the first Monday of January next suceeding [succeeding] their election. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine by lot, the term of Office each shall fill, and the Justice drawing the shortest term shall be Chief Justice, and after the expiration of his term, the one having the next shortest term shall be Chief Justice, after which the Senior Justice in Commission shall be Chief Justice; and in case the commission of any two or more of said Justices shall bear the same date, they shall determine by lot, who shall be Chief Justice.]

Sec. 3. After each biennial election, the justices of the supreme court shall meet and declare as chief justice the senior justice in commission. If the commissions of any two or more justices bear the same date, they shall determine by lot who is chief justice.

Sec. 5. The state is hereby divided into Nine Judicial Districts of which the county of Storey shall constitute the First; The county of Ormsby the Second; the county of Lyon the Third; The county of Washoe the Fourth; The counties of Nye and Churchill the Fifth; The county of Humboldt the Sixth; The county of Lander the Seventh; The county of Douglas the Eighth; and the county of Esmeralda the Ninth. The county of Roop shall be attached to the county of Washoe for judicial purposes until otherwise provided by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions of the [Districts herein prescribed, and also] *judicial districts and* for increasing or diminishing the number of [the Judicial Districts and Judges] *those districts and the judges* therein. But no such change [shall] *may* take effect, except in case of a vacancy [,] or the expiration of the term of an incumbent of the [Office. At the first general election under this Constitution there shall be elected in each of the respective Districts (except as in this Section hereafter otherwise provided) One District Judge, who shall hold Office from and including the first Monday of December AD. Eighteen hundred and Sixty four and until the first Monday of January in the year Eighteen hundred and Sixty seven. After the said first election, there shall be elected at the General election which immediately precedes the expiration of the term of his predecessor, One District Judge in each of the respective Judicial Districts (except in the First District as in this Section hereinafter

provided.) The District Judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of 6 years (excepting those elected at said first election) from and including the first Monday of January, next succeeding their election and qualification; Provided, that the First Judicial District shall be entitled to, and shall have Three District Judges, who shall possess] *office of district judge. In a judicial district with more than one district judge, each judge possesses* co-extensive and concurrent jurisdiction, and [who shall be elected at the same times, in the same manner, and shall hold office for the like terms as herein prescribed, in relation to the Judges in other Judicial Districts, any one of said Judges] *any of those judges* may preside on the [empanneling] *empaneling* of Grand Juries and the presentment and trial on indictments [, under such rules and regulations as may be] *in the manner* prescribed by law.

[Sec:] *Sec.* 15. The Justices of the Supreme Court and District Judges shall each receive for their services a compensation to be fixed by law and paid in the manner provided by law, which shall not be increased or diminished during the term for which they [shall] have been elected [,] *or appointed,* unless a Vacancy occurs, in which case the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment; and provision shall be made by law for setting apart from each year's revenue a sufficient amount of Money [,] to pay such compensation.

Sec. 20. 1. When a vacancy occurs [before the expiration of any term of office] *for any reason* in the supreme court or among the district judges, the governor shall appoint a justice or judge from among three nominees selected for [such] *the* individual vacancy by the commission on judicial selection [.

2. The term of office of any justice or judge so appointed expires on the first Monday of January following the next general election.

3. Each nomination for the supreme court shall be made by the permanent commission, composed of:

(a) The chief justice or an associate justice designated by him;

(b) Three members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

4. Each nomination for the district court shall be made by a temporary commission composed of:

(a) The permanent commission;

(b) A member of the State Bar of Nevada resident in the judicial district in which the vacancy occurs, appointed by the board of governors of the State Bar of Nevada; and

(c) A resident of such judicial district, not a member of the legal profession, appointed by the governor.

5. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

6. The term of office of each appointive member of the permanent commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. The additional members of a temporary commission shall be appointed when a vacancy occurs, and their terms shall expire when the nominations for such vacancy have been transmitted to the governor.

7. An appointing authority shall not appoint to the permanent commission more than:

(a) One resident of any county.

(b) Two members of the same political party.

No member of the permanent commission may be a member of a commission on judicial discipline.

8.] *and review.*

2. The legislature shall provide by law for the:

(a) Number;

(b) Qualifications;
(c) Appointment;
(d) Compensation; and
(e) Terms of office,
of the members of the commission, not more than two-fifths of whom may be attorneys admitted to practice before the courts of this state.

3. The commission shall:

(a) Annually review the performance of each justice and judge in the manner provided by law; and

(b) After the completion of that review, cause a report to be published regarding the performance of each justice and judge in the manner provided by law.

4. The commission may:

(a) Adopt regulations for the operation of the commission and for maintaining the confidentiality of its proceedings and records; and

(b) Exercise such further powers as the legislature may from time to time confer upon it.

5. A member of the commission may not serve simultaneously as a member of a commission on judicial discipline.

6. After the expiration of 30 days from the date on which the commission [on judicial selection] has delivered to him its list of nominees for any vacancy, if the governor has not made the appointment required by this section, he shall make no other appointment to any public office until he has appointed a justice or judge from the list submitted.

[If a commission on judicial selection is established by another section of this constitution to nominate persons to fill vacancies on the supreme court, such commission shall serve as the permanent commission established by subsection 3 of this section.]

Assemblyman Close moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 428—An Act relating to the City of Henderson; making the charter gender neutral; removing duplicative grants of authority to the city council where that authority is also granted by county ordinance or state law; revising various provisions to conform to existing state law; repealing various sections which are addressed by existing state law; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Freeman (by request):

Assembly Bill No. 429—An Act relating to mining reclamation; requiring the reclamation of aggregates and sand pits; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 430—An Act relating to the department of administration; revising provisions governing the operating fund of the department of administration; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 431—An Act relating to the Nevada commissioner for veteran affairs; creating the trust fund for the estates of persons for whom the Nevada commissioner for veteran affairs acts as guardian; requiring the commissioner to maintain a checking account to pay certain expenses of the persons for whom the commissioner acts as guardian; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Neighbors and de Braga:

Assembly Bill No. 432—An Act relating to water; requiring the state engineer, under certain circumstances, to grant an extension of the time necessary to work a forfeiture of a water right; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 433—An Act relating to county surveyors; authorizing the employment of county surveyors on a full-time basis; prohibiting a county surveyor who is employed on a full-time basis from engaging in the private practice of land surveying within the county; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Neighbors and de Braga:

Assembly Bill No. 434—An Act relating to water; revising the procedure regarding forfeiture of certain water rights; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Neighbors and de Braga:

Assembly Bill No. 435—An Act relating to water; revising the provisions governing the forfeiture of certain water rights; requiring the state engineer to provide notice of the provisions regarding forfeiture to certain holders of water rights; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Neighbors and de Braga:

Assembly Bill No. 436—An Act relating to hospitals; authorizing the board of county commissioners in certain counties to provide by ordinance that the board of county commissioners is, ex officio, the board of hospital trustees; providing that the terms of office of the incumbent hospital trustees are terminated upon the effective date of such an ordinance; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 147.

Bill read third time.

Remarks by Assemblyman Allard.

Roll call on Assembly Bill No. 147:

YEAS—41.

NAYS—None.

Absent—Batten.

Assembly Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 346.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Assembly Bill No. 346:

YEAS—41.

NAYS—None.

Absent—Batten.

Assembly Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 357.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 357:

YEAS—39.

NAYS—Arberry, Giunchigliani—2.

Absent—Batten.

Assembly Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Tiffany moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:46 a.m.

ASSEMBLY IN SESSION

At 11:54 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Ohrenschall, Stroth, Steel, Sandoval, Monaghan, Manendo, Schneider, Carpenter, Buckley, Neighbors, de Braga, Bennett, Perkins and Anderson:

Assembly Joint Resolution No. 28—Urging Congress to enact legislation allowing individual states to establish daylight saving time as the standard time in their respective states throughout the calendar year.

Assemblyman Ohrenschall moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Concurrent Resolution No. 17.

Assemblyman Spitler moved the adoption of the resolution.

Remarks by Assemblymen Spitler and Giunchigliani.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. You know, all of us in life have real heroes and a lot of times when we look back at who those heroes are, they are people who have withstood phenomenal odds in life and came about to change the world as we know it today.

I am really proud to have with me today, Mr. Page, who in fact, has accomplished those very feats. Most of us are very familiar with *Schindler's List*. It was an academy award winning film and if you saw it as many times as I did, you not only learned history, but you learned compassion and you learned that there were people who withstood phenomenal pain for existence. But, some people lived through that horror and lived to tell about it. The gentleman we honor today, through this resolution, not only lived through that, but he made a firm commitment at the time he met Oskar Schindler, that this story would be told. It took a lot of perseverance to tell this story. Mr. Page's dedication and relentless determination to have it told came about because he, himself, was spared from the Nazi's extermination due to Schindler's humanity.

It took nearly 50 years before Mr. Page's promise to industrialist Oskar Schindler became a reality. Schindler himself spent nearly $2 million, and those of you who saw the movie realize that he ended up broke at the very end of his life. He was able to save 1,300 Jews from Nazi concentration camps.

After surviving the death camps of Europe, Mr. Page moved with his wife Mila to the United States. He became a merchant in Beverly Hills, California, yet he never lost sight of his commitment to have this story told. It was really one of those strange things in life that occurred in 1981 when an Australian novelist who is Catholic, Thomas Keneally, stopped in to buy luggage from Mr. Page. While waiting for his credit card to clear, Mr. Page found out quite serendipitously that Keneally was a writer. Hence, Mr. Page told his

story in hopes that this writer would take on the cause about writing about Schindler. At first, Keneally did not find himself credible because he was not Jewish. But, Mr. Page insisted that a non-Jew writing the story would be less suspect.

It was that day in 1981, that became the turning point in embryonic stages for the recent film *Schindler's List*, which of course, became well known. Mr. Page spent his life telling the story, writing about it, speaking before many agencies. It's truly an honor for me today to introduce him to this body and urge the adoption of this resolution. Thank you, Mr. Speaker.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. We see many resolutions in this body. We'll see another one today. But, rarely do we have an opportunity to recognize, applaud and say thank you to someone such as Mr. Page. As an educator, I stand ready, willing and able to work with this body to support any form of legislation that deals with educating people about the Holocaust. In fact, you will be seeing Assembly Bill No. 388 that I introduced with support and help from Mr. Spitler and the Ways and Means Committee. Mr. Page embodies what so often we forget, that in silence, we indicate support. And, what we have to do as part of our obligations, is make sure that we are never silent on this matter. Thank you, very much.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 437—An Act relating to release of state records; allowing the sharing of confidential information with local governments seeking to collect debts and obligations; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 438—An Act relating to optometry; prohibiting an optometrist from administering or prescribing a therapeutic pharmaceutical agent without a certificate issued by the Nevada state board of optometry; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 439—An Act relating to mobile home parks; requiring that an application for assistance from the trust fund for low-income owners of mobile homes include certain information; authorizing the manufactured housing division of the department of business and industry to recover money from the trust fund that was incorrectly paid to a recipient; requiring the manufactured housing division to provide assistance from the trust fund to each person whose name is included on a list of persons who are eligible for assistance; prohibiting a landlord from increasing the rent or other charge for a tenancy which is month to month under certain circumstances;

revising the requirements for eligibility of persons requesting assistance from the trust fund; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 440—An Act relating to escrow licensees; authorizing certain deposits as a substitute for the surety bond required of an applicant for a license as an escrow agency; reducing the required amount of such a bond; providing a formula for determining the amount of a bond required of a licensee; prescribing fees for an application for, and the issuance or renewal of, a license as an escrow agent; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 441—An Act relating to trade practices; removing the prohibition against the operation of a service station by a refiner of petroleum; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 21, 23, 29, 53, 108, 193; Assembly Concurrent Resolution No. 2; Assembly Joint Resolutions Nos. 9, 16, 6 of the 67th Session; Assembly Resolution No. 8.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Sandy Larkin and Kathy Licifra.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Mertz and Lyn Bennett.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Robin Maughan and Shelly Jones.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Dorris and Brenda Slayton.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Murray and Vee Wilson.

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia O'Gara and Joanna Zedaker.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Gritis and Jim Gritis.

On request of Assemblyman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Chuck Brandon and Lori Brandon.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Renae Goodsell.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Jensen and Natalie Jensen.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Julia Bonser and Dawn Nichols.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Musa.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Maxwell and Gwendolyn E. Moresi.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Dowdy and Candy Keil.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Misti Pagni, Linda Ingold and the following students of Career College of Northern Nevada: Gabriella Benitez, John Wesley Blake, Pamela Gray, Jim Kombotheklas, Francis Lee Plumb, Michelle A. Snoderly, Brent V. Someres and Carl Newberry; Instructor Paul Randford.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to Melody Whitcome and Teri Cantley.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Katrina Eckery and Diana Easby.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Sherry Hall and Ann Macquarie.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Antila, Edith Katz, Judge Gil Yaarchever, Roslyn Sbarra, Myra Slotnick and Hy Kasenberg.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Huddle and Marta Minty.

On request of Speaker Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Pamela Houghton, Treva Lind, Belinda Rohleder.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Eileen Rountree and Cheryl Sample.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Lynn Zenier and Chris Kaminske.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Randy Walter and Patricia Fries.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Kimberly Runyen and Rosa Morales.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Lois McKay and Sue Cornfield.

On request of Assemblyman Monaghan, the privilege of the floor of the Assembly Chamber for this day was extended to Debra Waltman.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Joann Truelson, Mindy Truelson and Cathy Vigil.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Janine Gregory and David M. Cox.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to June Smith.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Andrews.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Gaya Guymon and Sandy Kerns.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Julene Allamn.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Dodi Mayer.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Cheri Reagan.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Leopold Page and Debbie Stutz.

On request of Assemblyman Steel, the privilege of the floor of the Assembly Chamber for this day was extended to Kim Woodworth.

On request of Assemblyman Stroth, the privilege of the floor of the Assembly Chamber for this day was extended to Danny Wilson.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Beth Scow.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Tatomer and Nicholas Tatomer.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Dumas.

Assemblyman Ernaut moved that the Assembly adjourn until Tuesday, April 4, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:25 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE SEVENTY-NINTH DAY

CARSON CITY (Tuesday), April 4, 1995

Assembly called to order at 11:15 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Paul Goulet.

Let us bow for prayer. Heavenly Father, we recognize our utter dependence upon Your care, intervention and direction. We realize that the Word of God says that if any man or woman lack wisdom they can ask God who gives freely. We lack wisdom and we need Your wisdom from Heaven. We plead for wisdom and guidance from the Holy Spirit. Holy Spirit fill our lives, this room and protect our families, our children and the people we represent in this great State of Nevada. We pray for a great blessing on this sacred Assembly and its participants. We ask for a very special healing touch on Willie. We thank You that You preserved her life in that car accident and we truly ask for Your healing. Thank You that John is going through healing, also. Father just bless this congregation, this Assembly and may the decisions being made bring glory to You. In Jesus' powerful Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Joint Resolution No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JACK D. CLOSE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 10, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 296, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 3, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 118.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 158, 172, 264, 285.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 97, 99, 117, 119, 149, 211, 222.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Marvel and Hettrick:

Assembly Bill No. 442—An Act relating to the judicial system; requiring persons convicted of certain crimes to serve a specific percentage of their sentences to be eligible for parole; making various changes regarding the certification of juveniles for trial as adults; making various other changes to proceedings in juvenile court; making various changes concerning victims and witnesses in criminal cases; prohibiting persons convicted of certain crimes from receiving probation or a suspended sentence; providing a penalty for certain convicted habitual felons; creating the legislative committee to study the efficient use of resources in the criminal justice system in Nevada; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 97.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 99.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 117.

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

Motion carried.

Senate Bill No. 119.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 149.

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

Motion carried.

Senate Bill No. 158.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 172.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 211.

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

Motion carried.

Senate Bill No. 222.

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

Motion carried.

Senate Bill No. 264.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 285.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 22.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 100.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sections 3 and 4 as sections 1 and 2.

Amend sec. 3, page 2, by deleting lines 32 through 44 and inserting:

"407.0762 1. The account for *maintenance of state parks within* the division of state parks is hereby created in the state general fund. Except as otherwise provided in NRS 407.0765, any amount of fees collected pursuant to subsection 4 of NRS 407.065 in a calendar year, which is in excess of the amounts authorized for expenditure from that revenue source in the division's budget for the fiscal year beginning in that calendar year, must be deposited in the account . [for the division of state parks.] The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.

2. The money in the account [for the division of state parks] does not lapse to the state general fund at the end of any fiscal year.

3. The money *deposited* in the account [for the division of state parks] *pursuant to subsection 1* must only be used to repair and maintain state parks, monuments and recreational areas.".

Amend sec. 4, page 3, by deleting lines 4 through 18 and inserting:

"407.0765 1. The [account for Lake Tahoe Nevada State Park is hereby created in the state general fund.] *administrator, with the approval of the director, may collect at each state park a fee for the repair, operation and maintenance of sewer, water and electrical systems within the park.* Any fees collected [at Lake Tahoe Nevada State Park pursuant to subsection 4 of NRS 407.065 for the repair, operation and maintenance of sewer and water systems] *pursuant to this section* must be deposited in the account [. No other fees collected at Lake Tahoe Nevada State Park may be deposited in the account. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.

2. The money in the account does not lapse to the state general fund at the end of any fiscal year.

3.] *for maintenance of state parks within the division of state parks created in NRS 407.0762.*

2. The money *deposited* in the account *pursuant to this section must be accounted for separately for each park and* must only be used for the repair, operation and maintenance of the sewer [and] , water *and electrical* systems in [Lake Tahoe Nevada State Park.

4.] *the park in which the money was collected.*

3. The administrator, subject to the approval of the director, may expend money pursuant to subsection [3.] *2.*".

Amend the bill as a whole by renumbering sec. 5 as sec. 4 and adding a new section designated sec. 3, following sec. 4, to read as follows:

"Sec. 3. 1. The state treasurer shall transfer any balance remaining unexpended on June 30, 1995, in the account of the division of state parks attributable to fees made available for maintenance projects under the provisions of NRS 407.0762 to the account for maintenance of state parks within the division of state parks created in NRS 407.0762 for such uses as have previously been authorized by the interim finance committee.

2. The state treasurer shall transfer any balance remaining unexpended on June 30, 1995, in the account for Lake Tahoe Nevada State Park in the state general fund created in NRS 407.0765 to the account for maintenance of state parks within the division of state parks created in NRS 407.0762. The money so transferred must be accounted for separately and used only for the repair, operation and maintenance of sewer, water and electrical systems at Lake Tahoe Nevada State Park.".

Amend the title of the bill to read as follows:

"An Act relating to state parks; consolidating certain accounts; authorizing the collection of a fee for the repair, operation and maintenance of sewer, water and electrical systems; limiting the use of the fees so collected; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions regarding funding and operation of state parks. (BDR 35-563)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 60.

Bill read third time.

Remarks by Assemblymen Goldwater, Giunchigliani, Nolan, Bache and Close.

Roll call on Assembly Bill No. 60:

YEAS—38.

NAYS—Bache, Giunchigliani, Ohrenschall, Spitler—4.

Assembly Bill No. 60 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bills Nos. 304, 305; Senate Concurrent Resolution No. 15.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Bierenbaum and Carole Gordon.

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Grieco and Sandy Dunham.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Gina Miller and Bob Beers.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Dayton High School: Tony Antagnazzi, Jackson Bergland, Aaron Brockway, Mandy Brauberger, Sabrina Campbell, Stephanie Cordova, Jim Cusato, Jennifer Gee, Jessica Kato, Megan Higgins, Julianne Jacaboni, Brent Johnson, Dan Murphy, Jennifer Nolan, Austin Osborne, Desiree Rew, Cathy Rodrigues, Gennie Rittman, Lavaughn Seales, Dana Smith, Jennifer Stevens, Dominic Tonzi, Carrie McEachin, Peggy Newton, Lesley Volkov, Erin Wilkin, Jacklyn Minton, Robert Vega, Dusty Schrein, Stephen Malenkos, Mike Pickern, Cathy Harmon, Jolen Eley, Landon Haymore, Dan Deering, Travis Stransky, Christina Sampang, Tracy Hunter, Heather Gibson, Catalina Cabral, Christie Caliva, Lucy Dominguez, Maria Dominguez, Ramon Friz, Jeremiah Meshberger, Billy Ramirez, Mark Ringius,

Levitta Santio, Rob Spatig, Ray Wilson, David Alfred, Neil Hatfield, Wendy Mena, Danie Fierro, Teresa Strey, Corey Hauck and Mary Foland; teachers Bonnie Brown and Shannon Wines; chaperone Randy Jones.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Elsa Saldana and Ross Golding.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Goulet.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Vandever and Jo Briggs.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Cira Drake and Barbara Teel.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Wright.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, April 5, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:49 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTIETH DAY

CARSON CITY (Wednesday), April 5, 1995

Assembly called to order at 11:09 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bill McCord.

O Eternal God, I ask Your blessing on those assembled here this day. As You have been sensitive to their needs and supported them in every situation and circumstance, endow them with the insight to recognize the needs of their constituency whom they have been elected to serve. May they be firm in their convictions, but open minded to the concerns of others. And may they, at the end of each day, when they have done the best they could, hear Your voice, "Well done, good and faithful servant." AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 19, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 8, 39, 48, 49, 50, 199, 200, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 5, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 19.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 19.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblyman Evans.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Williams, Bache, Segerblom, Perkins, Krenzer, Arberry, Spitler, Ernaut, de Braga, Price, Nolan, Chowning, Manendo, Humke, Batten, Goldwater, Fettic, Schneider, Freeman, Anderson and Bennett:

Assembly Bill No. 443—An Act relating to higher education; requiring a local government to pay all fees for certain classes taken at the University and Community College System of Nevada by a dependent child of a police officer or fireman killed in the line of duty; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 330, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN MONAGHAN, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 325, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 296 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 10.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 96.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting: "[1 mile] *:*

(a) Three thousand feet of any surface intake, intakes, water boxes or surface reservoirs used for gathering, storing and conducting water [,] *; or*

(b) A scientifically determined area identified in an ordinance or resolution adopted by the governing body which is the purveyor of water, after consultation with affected persons and state agencies, to protect the surface intake, intakes, water boxes or surface reservoirs,
when such lands are situated''.

Amend section 1, page 1, lines 9 and 10, by deleting: ''any city or town in'' and inserting: ''[any city or town in]''.

Amend section 1, page 1, line 13, by deleting ''*Cities,*'' and inserting ''*Counties, cities,*''.

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 21.

Resolution read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 194.

Amend the resolution, page 1, by deleting lines 5 through 18 and inserting:

''*Sec. 29A. The Legislature shall adjourn sine die each regular session not later than midnight in the Pacific standard time zone 60 calendar days following its commencement. Any legislative action taken in a regular session after midnight in the Pacific standard time zone on the 60th calendar day is void.*

Sec. 2. The sessions of the Legislature shall be [biennial,] *annual,* and shall commence on the [3rd Monday of January next ensuing the election of members of the Assembly,] *first Monday of March,* unless the Governor of the State ,''.

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assemblyman Giunchigliani moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:26 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 325 be placed on the Second Reading File.

Remarks by Assemblyman Arberry.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 325.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 221.

Amend section 1, page 1, by deleting lines 2 and 3 and inserting: "department of prisons the sum of $1,252,500 for an unexpected increase in the number of incarcerated offenders, to be allocated:

Central office costs associated with early opening of Lovelock Correctional Center	$34,694
Other costs associated with operation of Lovelock Correctional Center	$1,000,668
Costs associated with Northern Nevada Correctional Center	$217,138

This appropriation is supplemental to".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Buckley, Manendo, Goldwater, Anderson, Chowning, Arberry, Bache, Giunchigliani, Williams, Price, Carpenter, Krenzer, Perkins, Batten, Ohrenschall, Schneider, Segerblom, Tripple, Close, Fettic, Bennett, Neighbors, de Braga, Evans, Dini and Brower:

Assembly Bill No. 444—An Act relating to land use; prohibiting a local government from adopting an ordinance that prohibits or restricts residential developments based on certain characteristics of the occupants; requiring that an ordinance relating to zoning include manufactured homes within the definition of "single-family residences"; and providing other matters properly relating thereto.

Assemblyman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Concurrent Resolution No. 18.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Wooster High School: Kerri Anastassatos, Amber Banghart, Renee Claytor, Jamie Congdon, Aaron Cudworth, Cindy Davis, Natalie Edwards, Laura Hartman, Scott Jones, Ryan Koger, Chad Lahren, Leilani Lim, Claudia Maldanado, Maureen Molini, Norma Moran, Doreene Pacia, Heather Peaden, Angela Reagan, Nick Reese, Jill Rideau, Elizabeth Saathoff, Anamarie Sarratea, Eric Schott, Jake Sellers, Anne Uccelli, Lyndsie Felling, Shanna Andrews, Robert Beck, Jay Hackstaff, Janay Heckman, Matt Kerr, Arlene Lapasaran, Eduardo Ortiz, Kristina Remick, Michael Russell, Asif Shahzad, Tiffany Shively, Erik Thorkildson and Jason White; teacher Diane Boone; chaperone Jill Doremus.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Stepping Stones Youth Shelter: Arlee Brown, Fanny Burdette, Ami Huitt, Douglas Johnson and Raena Rossback; teachers Judy Kroshus and Jolene Thomas.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Jake Sellers, Beth Saathoff and Diane Boone.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Nancy Wall.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of E. W. Fritsch Elementary School: Kendall Allen, Blanca Ayala, Frank Bleuss, Russell Bliss, Kyle Buck, Orlando Castillo, Ricky Correlli, Laura Dale, Brian Dominguez, Casey Drews, Crystal Evenson, Galen Garretson, Hilary Katzorke, Katie Lawson, Kevin Libby, Steven Ly, Miranda Mahe, Ana Maldanado, David Munoz, Niels Odegard, Chris Peralta, Lorelei Reed, Jenna Rogers, Monichenda Saly, Dakota Snow, Jesse Steele, Jenna Sulprizio and Ashley Von Batsch; teacher Mrs. Spofford.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Dominique Morrow.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Fife, Brad Lynn Fife, Tiffany Hettrick and the following representatives of the Douglas County Republicans Women's Club: Arla Hettrick, Donna Allgeier, Bob Allgeier, Helen Brightwell, Jack Brightwell, Lois Carty, Richard Carty, Maria Cordino, Mary Lou Corp, Mary Davis, Jane Dilly, Kay Dupuis, Maria Girendo, Herb Herbey, Ann Hersey, Fred Hersey, Marge Frazeur, Dano Kelly, Pat Kessler, Elena Kesteloot, Joan Keenen, Jane Lincoln, Leanne Lummus, Ray Lummus, Jamie Lummus, Winnie McCarthy, Donna McCor-

mick, Brenda Robinson, Cindy Seligman, Charlotte Shroyer, Sharon Sneed, Rod Sneed, Dorothy Webster, Jack Webster, Beverely Willard and Harold Willard.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to John Ponticello.

Assemblyman Ernaut moved that the Assembly adjourn until Thursday, April 6, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:43 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTY-FIRST DAY

CARSON CITY (Thursday), April 6, 1995

Assembly called to order at 11:06 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bill McCord.

O Lord our God, You are more willing to provide guidance than we are to ask. Insert Yourself into the hearts and minds of those gathered here this morning, causing them to draw upon Your wisdom in order to act wisely for those whom they are here to serve. In the name of the One who is all wise. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 278, 354; Senate Bill No. 137, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 5, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 129.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 5.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 51, 216, 219, 221, 270, 286.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 3, 4, 169.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 61.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolutions Nos. 8, 12.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani, Close, Price, Fettic, Freeman, Dini, Evans, Perkins, Humke, Monaghan and Lambert:

Assembly Concurrent Resolution No. 19—Designating April 6, 1995, as Nevada REALTORS® Day.

WHEREAS, There are approximately 6,000 REALTORS® working in Nevada; and

WHEREAS, The Nevada Legislature recognizes the importance of the service REALTORS® provide to the residents of Nevada; and

WHEREAS, A better understanding of the legislative process is beneficial to all REALTORS® as laws are enacted every session which directly affect owners of real property in Nevada; and

WHEREAS, On April 6, 1995, REALTORS® from throughout Nevada will come to Carson City to meet with the members of this Legislature; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That April 6, 1995, is hereby designated as Nevada REALTORS® Day; and be it further

RESOLVED, That the members of the 68th session of the Nevada Legislature do hereby commend the REALTORS® of Nevada for their encouragement and support of the free enterprise system as they continue to promote ownership of real property by Nevada's residents; and be it further

RESOLVED, That a copy of this resolution be transmitted forthwith by the Chief Clerk of the Assembly to the Nevada Association of REALTORS®.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani and Carpenter.

Resolution adopted.

Assemblyman Giunchigliani moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:13 a.m.

ASSEMBLY IN SESSION

At 11:14 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Goldwater, Krenzer, Bache, Freeman, Buckley, Giunchigliani, Segerblom, Carpenter, Nolan and Williams:

Assembly Concurrent Resolution No. 20—Urging the state industrial insurance system to establish a program for the education of employers who have recently been insured by the system and employees who have filed claims with the system concerning the operation of the system and their rights and responsibilities as participants in the system.

Assemblyman Goldwater moved that the resolution be referred to the Concurrent Committees on Labor and Management and Elections and Procedures.

Motion carried.

Senate Joint Resolution No. 8.

Assemblyman Perkins moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Joint Resolution No. 12.

Assemblyman Perkins moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Lambert moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:19 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 391, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 22 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Spitler.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 325 be placed on the General File.

Remarks by Assemblyman Arberry.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Giunchigliani:

Assembly Bill No. 445—An Act relating to property; regulating the affairs of decedents by adopting the Uniform Probate Code; revising provisions for disclaimer of interests in property; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 446—An Act relating to state securities; repealing certain provisions regarding the sale of state securities; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 447—An Act relating to the sale of motor vehicles; providing in skeleton form for the licensure and regulation of brokers; limiting the amount of a down payment that a buyer may be required to pay under certain circumstances; requiring vehicle dealers and brokers to disclose certain information to prospective buyers; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 448—An Act relating to unemployment compensation; requiring that federal individual income tax be deducted and withheld from unemployment compensation benefits upon the request of the recipient of the benefits; and providing other matters properly relating thereto.

Assemblyman Nolan moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 449—An Act relating to recycling; allowing certain counties to establish a program for recycling in which recyclable material is separated from other solid waste at a facility designed for that purpose; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 450—An Act relating to taxation; clarifying the provisions governing the amount of taxes on retail sales collected on sales of tangible personal property pertaining to a county other than the one in which the retailer is located; clarifying the manner in which such sales must be reported; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 451—An Act relating to crimes; prohibiting the harboring of children who run away from home; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 3.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 4.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 51.

Assemblyman Perkins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 169.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 216.

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

Motion carried.

Senate Bill No. 219.

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

Motion carried.

Senate Bill No. 221.

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

Motion carried.

Senate Bill No. 270.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 286.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 8.

Bill read second time.

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

Amendment No. 150.

Amend the bill as a whole by adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

"Sec. 5. NRS 269.127 is hereby amended to read as follows:

269.127 *1.* A town board or board of county commissioners may:

[1.] *(a)* Make application for and hold any license required to provide television *or FM radio* broadcast translator signals [.] *, or both.*

[2.] *(b)* Contract with any person, corporation or association to provide the equipment, facilities and services necessary to furnish [television] *such* broadcast translator signals for a period not to exceed 10 years.

[3.] *(c)* Enter into contracts for the purposes of this section that extend beyond the term of office of any member of the board or commission.

[4.] *(d)* Levy and collect a tax upon the assessed value of property within an unincorporated town to cover the costs of providing [television] *such* broadcast translator signals to that town.

2. As used in this section, "FM radio" means a system of radio broadcasting by means of frequency modulation.

Sec. 6. NRS 354.626 is hereby amended to read as follows:

354.626 1. No governing body or member thereof, officer, office, department or agency may, during any fiscal year, expend or contract to expend any money or incur any liability, or enter into any contract which by its terms involves the expenditure of money, in excess of the amounts appropriated for that function, other than bond repayments, short-term financing repayments, and any other long-term contract expressly authorized by law. Any officer or employee of a local government who willfully violates NRS 354.470 to 354.626, inclusive, is guilty of a misdemeanor, and upon conviction thereof ceases to hold his office or employment. Prosecution for any violation of this section may be conducted by the attorney general, or, in the case of incorporated cities, school districts or special districts, by the district attorney.

2. Without limiting the generality of the exceptions contained in subsection 1, the provisions of this section specifically do not apply to:

(a) Purchase of comprehensive general liability policies of insurance which require an audit at the end of the term thereof.

(b) Long-term cooperative agreements as authorized by chapter 277 of NRS.

(c) Long-term contracts in connection with planning and zoning as authorized by NRS 278.010 to 278.630, inclusive.

(d) Long-term contracts for the purchase of utility service such as, but not limited to, heat, light, sewerage, power, water and telephone service.

(e) Contracts between a local government and an employee covering professional services to be performed within 24 months following the date of such contract or contracts entered into between local government employers and employee organizations.

(f) Contracts between a local government and any person for the construction or completion of public works, money for which has been provided by the proceeds of a sale of bonds or short-term financing. Neither the fund balance of a governmental fund nor the equity balance in any proprietary fund may be used unless appropriated in a manner provided by law.

(g) Contracts which are entered into by a local government and delivered to any person solely for the purpose of acquiring supplies and equipment necessarily ordered in the current fiscal year for use in an ensuing fiscal year, and which, under the method of accounting adopted by the local government, will be charged against an appropriation of a subsequent fiscal year. Purchase orders evidencing such contracts are public records available for inspection by any person on demand.

(h) Long-term contracts for the furnishing of television *or FM radio* broadcast translator signals as authorized by NRS 269.127.

(i) The receipt and proper expenditure of money received pursuant to a grant awarded by an agency of the Federal Government.

(j) The incurrence of obligations beyond the current fiscal year under a lease or contract for installment purchase which contains a provision that the obligation incurred thereby is extinguished by the failure of the governing body to appropriate money for the ensuing fiscal year for the payment of the amounts then due.".

Amend the title of the bill to read as follows:

"An Act relating to local governments; authorizing the creation of a general improvement district to furnish facilities for certain radio transmission; authorizing unincorporated towns to provide for certain radio transmissions; and providing other matters properly relating thereto.".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 19.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 55.

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

"Section 1. NRS 244.33512 is hereby amended to read as follows:

244.33512 In a county in which a tax has been imposed pursuant to paragraph (a) of subsection 1 of NRS 244.3351:

1. The proceeds of the tax and any applicable penalty or interest must be:

(a) Remitted to the appropriate city if collected in the incorporated area of any city and not within any transportation district created by the county, or if collected in any transportation district created by a city; or

(b) Retained by the county if collected elsewhere, and used as provided in this section.

2. [If] *Except as otherwise provided in subsection 3, if* the county has created one or more transportation districts, it shall use any part of the money retained which is collected within the boundaries of a transportation district to pay the cost of:

(a) Projects related to the construction and maintenance of sidewalks, streets, avenues, boulevards, highways and other public rights of way used primarily for vehicular traffic, including, without limitation, overpass projects, street projects and underpass projects, as defined in NRS 244A.037, 244A.053 and 244A.055, within the boundaries of the district or within 1 mile outside those boundaries if the governing body finds that such projects outside the boundaries of the district will facilitate transportation within the district;

(b) Payment of principal and interest on notes, bonds or other obligations issued by the county to fund projects described in paragraph (a); or

(c) Any combination of those uses.

3. *In addition to those uses set forth in subsection 2, if a county has created one or more transportation districts and all or any portion of those districts are located in an area that is governed by an interstate compact entered into by this state and a state that borders this state, the county may use any part of the money retained which is collected within the boundaries of a transportation district to pay the cost of establishing, operating and maintaining a public transit system within the boundaries of the district, or outside those boundaries if the governing body finds that such a system outside the boundaries of the district will facilitate transportation within the district, or both.*

4. Any part of the money retained which is collected in the unincorporated area of the county and not within any transportation district created by the county or a city must be used for the same purposes within the unincorporated area of the county or within 1 mile outside that area if the board of county commissioners finds that such projects outside that area will facilitate transportation within that area.

5. As used in this section, "public transit system" means a system employing motor buses, rails or any other means of conveyance, by whatever type of power, that is operated for the conveyance of members of the general public.

Sec. 2. NRS 268.446 is hereby amended to read as follows:

268.446 1. [A] *Except as otherwise provided in subsection 2, a* city that has created one or more transportation districts shall use any part of the money received pursuant to the provisions of NRS 244.3351 which is collected within the boundaries of a transportation district to pay the cost of:

(a) Projects related to the construction and maintenance of sidewalks, streets, avenues, boulevards, highways and other public rights of way used

primarily for vehicular traffic, including, without limitation, overpass projects, street projects and underpass projects, as defined in NRS 244A.037, 244A.053 and 244A.055, within the boundaries of the district or within 1 mile outside those boundaries if the governing body finds that such projects outside the boundaries of the district will facilitate transportation within the district;

(b) Payment of principal and interest on notes, bonds or other obligations issued by the city to fund projects described in paragraph (a); or

(c) Any combination of those uses.

2. *In addition to those uses set forth in subsection 1, if a city has created one or more transportation districts and all or any portion of those districts is located in an area that is governed by an interstate compact entered into by this state and a state that borders this state, the city may use any part of the money received pursuant to the provisions of NRS 244.3351 which is collected within the boundaries of a transportation district to pay the cost of establishing, operating and maintaining a public transit system within the boundaries of the district, or outside those boundaries if the governing body finds that such a system outside the boundaries of the district will facilitate transportation within the district, or both.*

3. A city shall use any part of the money received from such a tax which is not collected within the boundaries of a transportation district for the same purposes within the incorporated boundaries of the city or within 1 mile outside those boundaries if the governing body finds that such projects outside those boundaries will facilitate transportation within the incorporated area.

4. As used in this section, "public transit system" means a system employing motor buses, rails or any other means of conveyance, by whatever type of power, that is operated for the conveyance of members of the general public.

Sec. 3. The approval by the voters on November 3, 1992, of Question No. 2, concerning transportation, on the 1992 general election ballot for Douglas County shall be deemed to constitute approval by the voters of the tax authorized by the provisions of NRS 244.3351, and of the uses of that tax that are set forth in NRS 244.33512, as amended by this act. No other approval by the voters is required for the imposition and use of that tax in Douglas County, including its incorporated cities, at the rate of 1 percent of the gross receipts from the rental of transient lodging.".

Amend the title of the bill by deleting the second and third lines and inserting: "rental of transient lodging that is imposed throughout certain counties to be used for a public transit system; and providing other matters properly".

Amend the summary of the bill, second line, by deleting: "within transportation district" and inserting: "throughout certain counties".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 39.

Bill read second time.

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

Amendment No. 149.

Amend sec. 3, page 2, by deleting lines 11 through 31, and inserting:

"Sec. 3. (Deleted by amendment.)".

Amend sec. 4, page 2, by deleting line 33 and inserting: "333.280 1. Except as otherwise provided in this subsection, the".

Amend sec. 4, page 2, line 36, by deleting "year." and inserting: "year.] *2 years.*".

Amend sec. 4, page 2, line 40, by deleting the bracket.

Amend sec. 5, page 2, line 46, by deleting the brackets.

Amend sec. 5, page 2, line 48, by deleting the bracket.

Amend sec. 5, page 3, line 5, by deleting "*$25,000,*" and inserting "*$10,000,*".

Amend sec. 5, page 3, line 6, by deleting the brackets.

Amend sec. 6, page 3, by deleting lines 27 through 34, and inserting:

"Sec. 6. (Deleted by amendment.)".

Amend sec. 8, pages 3 and 4, by deleting line 47 on page 3 and lines 1 through 19 on page 4, and inserting:

"Sec. 8. (Deleted by amendment.)".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblyman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 48.

Bill read second time.

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

Amendment No. 94.

Amend section 1, page 1, line 2, by deleting "and 3" and inserting: "to 5, inclusive,".

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

"Sec. 2. *"Extraordinary maintenance, repair or improvement" means all expenses ordinarily incurred not more than once every 5 years to maintain a capital project in a fit operating condition.*".

Amend sec. 2, pages 1 and 2, by deleting lines 3 through 21 on page 1 and lines 1 through 14 on page 2 and inserting:

"Sec. 3. *1. A local government in a county whose population is 100,000 or more shall establish a fund for the extraordinary maintenance, repair or improvement of capital projects. The local government shall establish within that fund a separate account for each capital project it undertakes, except a capital project for the construction of public roads or a capital project for the control of floods. The local government shall allocate an amount equal to one-half of 1 percent of the total amount of the bonds*

sold for each capital project and deposit that amount in the separate account established for that capital project. The proceeds from the sale of those bonds or any other money of the local government may be used to carry out the provisions of this subsection.

2. Any interest and income earned on the money in an account within the fund in excess of any amount which is reserved for rebate payments to the Federal Government pursuant to 26 U.S.C. § 148, as amended, or is otherwise required to be applied in a specific manner by the Internal Revenue Code of 1986, as amended, must be credited to that account.

3. The money in each account within the fund may be used only for the extraordinary maintenance, repair or improvement of the capital project or a facility which replaces that capital project. The money in each account within the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than the purpose specified in this subsection. If the local government sells any capital project for which an account within the fund was established, any balance remaining in that account must be used to reduce the debt of the local government.

4. The annual budget and audit report of the local government prepared pursuant to NRS 354.624 must specifically identify:

(a) Each fund and every account within that fund established pursuant to this section and indicate in detail any extraordinary maintenance, repairs or improvements of the capital project that have been paid for with money from the fund; and

(b) Any planned accumulation of money in each fund and every account within the fund.

The audit report must include a statement by the auditor whether the local government has complied with the provisions of this subsection.".

Amend the bill as a whole by renumbering sections 3 and 4 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. *1. A local government in a county whose population is less than 100,000 may establish a fund for the extraordinary maintenance, repair or improvement of capital projects. If the local government establishes such a fund, the local government must establish within that fund a separate account for each capital project it undertakes, except a capital project for the construction of public roads or a capital project for the control of floods.*

2. Any interest and income earned on the money in an account within the fund in excess of any amount which is reserved for rebate payments to the Federal Government pursuant to 26 U.S.C. § 148, as amended, or is otherwise required to be applied in a specific manner by the Internal Revenue Code of 1986, as amended, must be credited to that account.

3. The money in each account within the fund may be used only for the extraordinary maintenance, repair or improvement of the capital project or a facility which replaces that capital project. The money in each account within the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than the purpose specified in this

subsection. If the local government sells any capital project for which an account within the fund was established, any balance remaining in that account must be used to reduce the debt of the local government.

4. The annual budget and audit report of the local government prepared pursuant to NRS 354.624 must specifically identify:

(a) Each fund and every account within that fund established pursuant to this section and indicate in detail any extraordinary maintenance, repairs or improvements of the capital project that have been paid for with money from the fund; and

(b) Any planned accumulation of money in each fund and every account within the fund.

The audit report must include a statement by the auditor whether the local government has complied with the provisions of this subsection.".

Amend sec. 3, pages 2 and 3, by deleting lines 43 through 48 on page 2 and lines 1 and 2 on page 3.

Amend sec. 4, page 3, line 5, by deleting "*and 3*" and inserting: "*to 5, inclusive,*".

Amend sec. 4, page 3, line 7, by deleting "*and 3*" and inserting: "*to 5, inclusive,*".

Amend sec. 4, page 3, line 26, after "inclusive," by inserting: "*and sections 2 to 5, inclusive, of this act,*".

Amend the bill as a whole by deleting sections 5 and 6 and adding a new section designated sec. 7, following sec. 4, to read as follows:

"Sec. 7. NRS 354.476 is hereby amended to read as follows:

354.476 As used in NRS 354.470 to 354.626, inclusive, *and sections 2 to 5, inclusive, of this act,* unless the context otherwise requires, the words and terms defined in NRS 354.478 to 354.580, inclusive, *and section 2 of this act,* have the meanings ascribed to them in those sections.".

Amend the title of the bill to read as follows:

"An Act relating to local financial administration; requiring a local government in certain counties to establish a fund for the extraordinary maintenance, repair or improvement of certain capital projects; requiring a local government to allocate a percentage of the amount of bonds sold for certain capital projects for deposit in that fund; authorizing a local government in certain counties to establish a fund for the extraordinary maintenance, repair or improvement of certain capital projects; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 49.

Bill read second time.

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

Amendment No. 80.

Amend section 1, page 1, by deleting line 13 and inserting:

"*3. The alteration of the boundaries of such a district may be initiated by:*

(a) A petition proposed unanimously by the owners of the property which is located in the proposed area which was not previously included in the district; or

(b) A resolution adopted by the board of county commissioners on its own motion.

If the board of county commissioners proposes on its own motion to alter the boundaries".

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

"An Act relating to public parks; authorizing the alteration of the boundaries of a district for the support of public parks by unanimous petition of the affected property owners or majority vote in an election on the question; requiring, if an election is held, that certain information relating to the future costs".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 50.

Bill read second time.

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

Amendment No. 95.

Amend sec. 2, page 1, by deleting line 10 and inserting: "2. *Before the adoption of*".

Amend sec. 2, pages 1 and 2, by deleting lines 16 through 25 on page 1 and lines 1 and 2 on page 2.

Amend sec. 3, page 2, by deleting line 10 and inserting: "*term obligation, approve or*".

Amend sec. 3, page 2, by deleting lines 19 through 23.

Amend sec. 6, page 3, by deleting lines 29 through 36.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 199.

Bill read second time.

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

Amendment No. 147.

Amend section 1, page 1, by deleting lines 12 and 13 and inserting:

"*(a) "Appointing authority" does not include:*

(1) The University and Community College System of Nevada.

(2) A law enforcement agency, if the position consists primarily of performing information services relating to the Nevada criminal justice information computer system or the National Crime Information Center.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 200.

Bill read second time.

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

Amendment No. 148.

Amend sec. 7, page 2, line 37, by deleting the semicolon and inserting: "*required to use the services and equipment of the department pursuant to NRS 242.131, other than the public employees' retirement system;*".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 330.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Assembly Bill No. 338 be taken from the Second Reading File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Price.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 325.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 325:

YEAS—42.

NAYS—None.

Assembly Bill No. 325 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Monaghan moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:44 a.m.

ASSEMBLY IN SESSION

At 11:50 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 21—Directing the development of a proposal to amend the state plan for assistance to the medically indigent to include coverage for the treatment of substance abuse provided to a recipient of Medicaid in a nonhospital setting.

Assemblyman Monaghan moved that the resolution be referred to the Concurrent Committees on Health and Human Services and Elections and Procedures.

Motion carried.

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 22—Encouraging the Department of Human Resources to require persons who contract with Medicaid to provide coordinated care to use the national data base to obtain certain information regarding physicians before credentialing the physicians as practitioners.

Assemblyman Monaghan moved that the resolution be referred to the Concurrent Committees on Health and Human Services and Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Chowning, Segerblom, Goldwater, Anderson, Humke, Krenzer, Bache, Neighbors, Tripple, Monaghan, Schneider, Ohrenschall, Manendo, Carpenter, Stroth, de Braga, Braunlin, Close, Sandoval, Allard, Tiffany, Batten, Spitler, Lambert, Giunchigliani, Marvel, Arberry, Nolan, Freeman, Fettic, Steel, Harrington, Williams, Price, Ernaut, Hettrick, Brower, Buckley and Bennett:

Assembly Bill No. 452—An Act relating to motor vehicles; requiring the department of motor vehicles and public safety to design and issue license plates for the support of the education of children in the arts; imposing a fee for the issuance of those license plates to finance programs for the education of children in the arts; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bill No. 61; Senate Concurrent Resolution No. 17.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Matthews.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Wooster High School: Shanon Clowers, Amber Copple, Teresa Demartini, Izabel De Souza, Ryan Espinoza, Brendi Gertsma, Olivia Goode, Wesley Hardin, Brian King, Russell Lindberg, Mitch Mattioli, Kari Maxwell, Jeffrey McLeod, Collin Olin, Ryan Osborn, Tim Perry, Amber Rayno, Casey Rodenburg, Jason Scott, Jon Turner, Mariah Wilhite, Adriana Ayala, Robin Bendel, Alma Martinez, Roberto Castillo, Corinne Garlock, Mercedes Goodrich, Sonia Guzman, Frode Hansen, Cheryl Long, Juha Mattila, Jason Perryman, Kristen Power, Andrea Ramirez, Margarita Raya, Leticia Zabalza, Mora Ebie, Sabrina Maranto, Stinson McElhinney and Lester Gresham; teacher Diane Boone; chaperones David Austin and Bo Balzar.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Lynda Prescia and Liz Mullin.

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Patty Kelley and Keith Kelley.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Lee Leboutillier.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Amy Bosch, Khris Nelson and William Hane.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Bryon Smith.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to David Herbst.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Trish Rippie.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Rappaport.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Marv Rubin and John Ponticello.

Assemblyman Perkins moved that the Assembly adjourn until Friday, April 7, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:10 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTY-SECOND DAY

CARSON CITY (Friday), April 7, 1995

Assembly called to order at 11:08 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, The Reverend Bill McCord.

O Lord our God, I ask that You be with these men and women who have chosen to work on behalf of the people of our state. Sustain them as they deal with difficult and often controversial decisions. Help them to be firm in their convictions and compassionate toward those who are most in need. May they experience satisfaction and fulfillment in the responsibilities that are theirs. In the name of the One who looks after all of us.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:11 a.m.

ASSEMBLY IN SESSION

At 11:12 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bills Nos. 10, 330; Assembly Joint Resolution No. 21 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

By Assemblyman Hettrick:

Assembly Joint Resolution No. 29—Encouraging the cooperation of the State of Nevada, the State of California and the Federal Government to achieve the extension of the existing systems and facilities for nonmotorized transportation completely around Lake Tahoe.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Transportation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 453—An Act relating to public purchasing; revising certain provisions governing the procedure for appeal by a person making an unsuccessful bid or proposal for purchases by the state; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 454—An Act relating to public investments; requiring the state treasurer to adopt regulations which he deems necessary to carry out his duties relating to public investments; authorizing the state treasurer to lend securities under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 455—An Act relating to state employees; increasing the amount of sick leave which may be accumulated; increasing the maximum payment for unused sick leave; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 456—An Act relating to water; authorizing counties to establish ground water replenishment districts; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen de Braga, Giunchigliani, Neighbors, Bennett, Ohrenschall, Segerblom, Chowning, Spitler, Manendo, Evans, Fettic and Freeman:

Assembly Bill No. 457—An Act relating to lobbying; prohibiting a former legislator from serving as a lobbyist for one regular session after the termination of his service in the legislature; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen de Braga, Carpenter, Segerblom, Fettic, Goldwater, Bennett, Ohrenschall, Freeman, Nolan, Krenzer and Chowning:

Assembly Bill No. 458—An Act making an appropriation to Churchill County for the Turnabout AmeriCorps Child Care Program; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Bache, Ernaut, Carpenter, Anderson, Neighbors, Giunchigliani, Lambert, Arberry, Dini, de Braga, Fettic, Goldwater, Marvel and Spitler:

Assembly Bill No. 459—An Act relating to the program of deferred compensation for state employees; making various changes regarding the committee established to administer the program; limiting the authority to make withdrawals from the program; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Manendo, Giunchigliani, Bache, Segerblom, Bennett, Neighbors, Freeman, Tripple, Price, Schneider, Perkins, de Braga, Goldwater, Carpenter, Nolan, Chowning, Buckley, Ohrenschall, Humke, Williams, Anderson, Arberry, Steel and Harrington:

Assembly Bill No. 460—An Act relating to medical imaging technologists; creating the board of medical imaging technologists; prescribing its powers and duties; providing for licensing and disciplinary actions; providing penalties; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 278.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 354.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 391.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 226.

Amend section 1, page 1, line 3, by deleting "$76,047" and inserting "$70,483".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 137.

Bill read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 461—An Act relating to airports; authorizing a board of county commissioners and the governing body of a municipality to enter into certain contracts, leases and other arrangements concerning airport facilities without publishing notice of its intention to do so; authorizing employees of a municipality to engage in the practice of land surveying without being registered as professional land surveyors under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Batten moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Chowning, Buckley, Batten, Anderson, Bache, Goldwater, Schneider, Segerblom, Krenzer, Close, Freeman, Neighbors, Lambert, Fettic, Giunchigliani, Williams, Evans, de Braga, Ohrenschall, Marvel, Manendo and Tripple:

Assembly Bill No. 462—An Act relating to trade practices; requiring persons who operate garages that repair motor vehicles to register with the consumer affairs division of the department of business and industry; establishing certain protections for the customers of such garages; requiring the consumer affairs division to establish a toll-free telephone number for reporting violations by a garageman and to establish a program to inform persons of the protections established; providing penalties; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Commerce.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 129; Assembly Concurrent Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Loretto.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Price.

Assemblyman Ernaut moved that the Assembly adjourn until Monday, April 10, 1995 at 10:45 a.m.

Motion carried.

Assembly adjourned at 11:25 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTY-FIFTH DAY

CARSON CITY (Monday), April 10, 1995

Assembly called to order at 10:55 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, The Reverend Marvin Dennis.

Our Heavenly Father: Accept our thanksgiving for another weekend where we can enjoy our families, leisure and worship You, our Creator. As these ladies and gentlemen begin another week of work for the people of the State of Nevada, I ask Your blessings and wisdom to be upon them in a special way. Thank You, our Lord. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Williams and Tiffany as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Senator Harry Reid.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 171, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 293, 305, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 7, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 5, 7, 126, 127, 128, 190.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Assembly Bills Nos. 14, 27, 145, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 10.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 4, 8, 19.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 42, 131, 252.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 14.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 463—An Act relating to the judicial system; requiring the court administrator to develop procedures for the collection of fines, fees and assessments imposed by the district, justices' and municipal courts; revising the form of traffic citations; providing expressly that under certain circumstances a traffic citation may be disposed of by waiving an appearance in court and entering a plea of guilty or nolo contendere; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 42.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 131.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 252.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 14.

Assemblyman Perkins moved that the resolution be referred to the Committee on Taxation.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bill No. 205; Senate Bills Nos. 65, 66; has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Marvel moved that Assembly Bill No. 200 be taken from the General File and re-referred to the Committee on Ways and Means.

Remarks by Assemblyman Marvel.

Motion carried.

The President of the Senate, the President pro Tempore of the Senate and Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:05 a.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Mathews, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Arberry, who was excused.

The Speaker of the Assembly welcomed the Constitutional Officers to the Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator Coffin and Assemblyman Spitler to wait upon Senator Reid and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable Harry Reid, United States Senator for Nevada appeared before the bar of the Assembly.

The Committee on Escort escorted the Senator to the rostrum.

The Speaker of the Assembly welcomed Senator Reid and invited him to deliver his message.

Senator Reid delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA

SIXTH-EIGHTH SESSION, 1995

Lt. Governor Hammargren, Speaker Dini, Speaker Hettrick, William J. Raggio, members of the Senate and Assembly leadership, fellow legislators, members of the Supreme Court and friends.

I am a student of history and the more I learn about the United States Constitution the more I am impressed. The founding fathers had great wisdom and vision and that has been more apparent to me the last 100 days than any time I have studied history and the Constitution. The House is set up so there is little debate that the party in power rules with

an iron hand, whether that party is lead by a Gingrich or an O'Neil. The Senate is and has been the modern rating force of the legislative branch of government for over 200 years. It's that way because the founding fathers established it that way.

What is the will of the people? A poll of today or tomorrow? A poll by your party or my party? The Constitution framers never intended that a current vogue of the people always be set into law. As Alexander Hamilton warned, "People are turbulent and changing." So the framers intentionally created a Republic. The Senate was part of our system to halt the impulsive actions of the House.

The intent of the Contract with America is good, but has been carried too far, as I will show in just a few minutes. In the Contract with America, for example, the House passed a measure on unfunded mandates. We all know that the time has come to do something about unfunded mandates. The question is how to do it? The House passed a measure in a couple of hours, that we spent a month talking about—unfunded mandates. We have a piece of legislation that does some things that makes the unfunded mandate legislation more meaningful and important. Not only do we have in legislation now, the fact that there should be very few federal unfunded mandates to the states, but we also put in our legislation the fact that there shouldn't be unfunded mandates from the state to local government.

The Line Item Veto—even though I'm not a fan, the line item veto that we received from the House of Representatives, which they spent a half day on and we spent three weeks on, is dramatically different than the line item veto legislation that came from the House. The one that I think is so apparent that we needed the United States Senate is the legislation that we received from the House that dealt with the moratorium on regulations. Can you imagine that? They passed a bill that said in effect that we are going to stop all regulations not in effect, and that is what they did. We have the best food in the world, the cleanest water in the world. Twenty years ago we passed the Clean Water Act. Eighty percent of the nation's waterways were polluted. Today only 20 percent of the waterways are polluted. We have clean air. The moratorium, for example, put a moratorium on mammograms as they are now dictated by the Department of Health and Human Services. That is the wrong way to go. Senator Don Nicholas, a Republican from Oklahoma and I, recognized the legislation dealing with moratoriums was wrong. We offered an amendment that says any regulations promulgated by a federal agency that has a financial impact over $100 million will not go into effect for 45 days. During that 45 days, the Senate and House will have an opportunity to look it over. If we don't like it, we will reject it. Any regulations promulgated with an impact of less than $100 million will go into effect immediately, but we will have 45 days to rescind if we want. That is more meaningful. Senator Nicholas and I were able to convince the Senate that was the right way to go and we prevailed by a vote of 100 to nothing. That is a much more recent piece of legislation on which I think we would all agree.

Most people in this chamber know, that it was my amendment that defeated the balanced budget amendment. I don't apologize or hesitate for that. I am proud of the fact that I was part of the debate that lead to the fact that when the debate ended it was clearly established that we have a problem with the deficit and that we have to do something about it. But we are not going to do it on the backs of Social Security recipients today, or our children or our children's children. The reason we can't be run pell-mell as to what a poll shows is because if you ask the American people, "Are you in favor of a balanced budget amendment?" Eighty percent of the people say, "Yes." If you ask the same people, "Are you in favor of a balanced budget amendment if you include Social Security?" Ninety percent of the people say, "No." So let's not be dictated to as to what polls say.

We just received from the House last week, a bill to reduce taxes. Now, everybody is in favor of reducing taxes. But I think we will see that the tax bill that we received from the House over the next four years will have a financial impact of $200 billion and over the next eight years will have an impact of almost $1,000,000,000. I think we better slow down and find out who the real winners are in that legislation and find out who the losers are. The winners are, of course, I don't think I have to tell you, the wealthiest people in America. The top one percent of taxpayers in America will receive over 20 percent of the benefits received from tax cuts. The top 20 percent of income earners in the United States

will receive over 70 percent of the tax benefits. I think we should look at this a little more. Let us talk about who the losers are. The losers are too numerous for me to mention in total today, but I will talk about school lunches, day care, Headstart, student loans, college scholarships and job training.

Twelve thousand three hundred thirty-three Nevada students, if the House provision prevails, will pay more for student loans.

Sixteen entire Nevada school districts will lose money to make schools safe and drug free.

Five thousand Nevada kids will lose summer jobs.

Ninety-three thousand one hundred eighty-eight Nevada children are in danger of losing their school lunches. Don't let me hear you say, "We have an increase." Sure we have an increase in the House provision, but it doesn't even take care of inflation. I'm giving you figures, that if the House provision prevails, will have over 93,000 Nevada children in danger of losing their lunches.

One thousand two hundred thirty Nevada children are at risk of losing access to safe, affordable child care.

Nine thousand one hundred eighty-nine Nevada senior citizens, families and kids will lose heating assistance they depend on to get through the winter if the House provision prevails.

We now have 75 new police officers in Nevada as a result of the crime bill we passed last year. If we follow what the House has said to us, we will eliminate 45 of those. This isn't the right way to go.

Let's do welfare reform, but not ruin programs that work. Let's fix the programs that need fixing, some with block grants, some with elimination and some by returning programs to the states. We should only reduce taxing when we get the federal deficit under control. For these and other reasons, I think the United States Senate and our bicameral form of legislation has been good for the country.

I want to talk about something today that I feel strongly about. It was to be part of the Contract with America, but it failed and I quote Edmund Burke, "The only thing necessary for the triumph of evil is for good men to do nothing." And the modern day terminology would say, "The only thing necessary for the triumph of evil is for good men and women to do nothing."

I was stricken last Thursday as I got my clips from my newspapers in Nevada. The *Reno Gazette Journal,* April 6, 1995, "In Term Limits Movement—Often Federal Cash from Afar." I always knew that, but had never seen it in writing. The term limits argument is something that you need to take a stand on. You need to be strong and speak out on the issue. Because the advocates of term limits are wrong and being pushed by outside interests, outside big money interests. If I were a trial lawyer as Henry Hyde said, and a Republican Congressman from Illinois during the debate and I called witnesses in this trial on term limits, my first witnesses would be the founding fathers because they denounced term limits. They were against term limits.

What about term limits? I served, as Speaker Dini indicated, in the Assembly a number of years ago. I served with two people who are still members of this legislature, Jacobsen and Dini. I think they have done a good job for the State of Nevada and what kind of democracy is it that says you can't vote for them if you want to? Barbara Vucanovich—she has served going on 14 years in the House of Representatives. Why shouldn't the people of Nevada be able to vote for Barbara Vucanovich if they want? Bill Raggio, as everyone here knows—Bill and I don't agree on everything, but Bill has been an outstanding representative of the people of northern Nevada. Why shouldn't he be able to run as many times as the people will elect him? You pass term limits, and professionals will run this government. Only they will be the faceless, nameless, try to get them on the phone, unaccountable, permanent bureaucracy, as Henry Hyde said. If you serve in the United States House of Representatives for five years, you are in the top 45 percent of seniority. Do we need term limits? I have served in the Senate eight years. I'm now 56th in seniority. Next they will be asking for term limits for judges. So you must be leaders and speak out against this. Look at the new members we have in this body. What reason do we need in the Nevada Legislature to have term limits? But it is a conspiracy of silence and

you are afraid to speak out for something you know is wrong. Stand up and be counted and do not let outside money interests run what goes on. Who will win with term limits? Bureaucrats. These bureaucrats will love dealing with amateurs. Staff will be strong and tough and they will be the ones calling the shots around here. And of course, the big winners are the lobbyists.

We hear so much negative in government, and some of it is very deserved. I want to talk about some good things that are going on in our country. This year we will have the third year in a row where we have a reduction in our annual deficit. The first time in 50 years that has happened. We have also had the lowest inflation and the lowest unemployment this past two years than we have had in 50 years. We've had the highest economic growth since the years of Kennedy. We hear a lot about the waste in government and there is lots of it at the federal level especially, but we have 150,000 less federal employees today than we had two years ago. That is pretty good and we should talk on a positive note about that.

I'm in favor of having our income match our spending. I'm in favor of returning more power to the states so you can make more decisions on issues that are important to the people of the State of Nevada. But on the federal level, we must recognize where the money is spent; for example, out of the $1,500,000 we spend annually, 48 percent of that money goes to entitlements; 17 percent goes to interest on the debt and about 20 percent goes to defense spending. You add those numbers up and it is 85 percent, leaving 15 percent for domestic discretionary spending. Domestic discretionary spending, education, the criminal justice system, infrastructure development and the things we care about including medical research is in that 15 percent. Why are we spending all that time trying to balance the budget on 15 percent? I say I would rather have a few less B-2 bombers and have more programs that help real people. We have to do something about the entitlement programs, but we haven't looked at those programs. All we are doing is hacking away at the 15 percent. We have to change that.

We shouldn't hurt good programs. For example, Substance Abuse and Block Grants, WIC, School Nutrition programs and Summer Youth Employment. Let me talk about one program that has been eliminated, but we are going to try and save it. The Substance Abuse Block Grant has been terminated. What has that program done for Nevada? We know that substance abuse treatment saves lives and restores hope. Substance abuse programs in Nevada are important because substance abuse in Nevada is a primary factor in 55 percent of child abuse. We have part of the Substance Abuse Block Grant program called Family Preservation. This program serves 42 families at the cost of two incarcerations. Forty-two families, 200 people, and the cost of that is two incarcerations in a reformatory or in a prison. We've had a 90 percent success rate in that program one year after treatment.

We have another program that is part of the Substance Abuse Block Grant, Ridge House, a program for ex-felons. We have tracked reincarceration. The recidivism rate is 22 percent over a three-year period, not over a one-year period. This is down from the usual 70 percent recidivism rate at a cost $945 per felon per year. The average cost for keeping a felon locked up in a penitentiary is $40,000 a year.

Reno's St. Mary's Hospital did a Chemical Dependency Program evaluation the year before and the year after treatment. Emergency room visits were reduced 62 percent and hospital stays were reduced by 73 percent. A pretty good use of very little money.

I want to talk about one last program that is part of the Substance Abuse Block Grants and is going to be terminated unless we do something about it. It is called HACES, Hispanics Assisting the Community with Excellence for Students. This program is for high-risk Hispanic students. It includes the involvement of parents. They have Saturday workshops and can only attend if they haven't missed school during the week. It is a great program. It is great because of the following figures: absenteeism reduced 73 percent, the dropout rate was reduced 75 percent, satisfactory academic progress a plus of 94 percent and Hispanic youth wanting to go to college increased 300 percent. So let's don't eliminate programs just to be eliminating them, let's evaluate the programs before we do that.

There has been a lot of criticism of government programs recently, much of it valid. But sometimes, lost in the chorus of criticism, are quiet success stories that should also be a part of the debate. Take, for example, the story of John Van Geldern. Mr. Van Geldern is a resident of Reno and is here with us today.

John was a mining engineer with a doctorate degree. He was out doing his job working in a mine and was bitten by a spider that caused him to have a series of strokes. He was lucky to live. He lost his employment and suffered financial problems to the point he was forced to sleep on a friend's office floor for a matter of months.

Then John heard about a government program, don't be embarrassed about government programs, the Senior Community Service Employment Program. This program is operated by private, nonprofit national aging organizations that work closely with governors and the Department of Labor to train seniors on jobs. Through this program, John Van Geldern got a job at the Reno Social Security Office as a computer troubleshooter. Three years later he began his own business and he is now a published author. He is a dynamic man. I spent the morning with him. Mr. Van Geldern, would you please stand so we can recognize you.

About eight years ago, coming to Nevada was a man by the name of Robert Porterfield. Robert Porterfield had come to take over St. John's Lutheran Church in Fallon, Nevada. He wanted to do what his life's work indicated he should do and that is work with the spiritual needs of the people in Fallon. St. John's Lutheran Church is located across from Churchill County High School. After he had been established there running the church, he was approached by school authorities and asked to provide infant and toddler care. "Why?" he asked. "Because we have so many pregnant teenagers in our school that they are dropping out because they couldn't find child care." At the same time, the State Department of Welfare made inquiry about the church providing child care, so some of the AFDC mothers could find work and otherwise be encouraged to lead normal lives. Reverend Porterfield didn't say no. He said maybe. He proceeded to look around to see what he could do to provide assistance to these young women. He learned there was a national program called AmeriCorps. He, with his church members, was able to raise matching monies through contributions in kind and they were accepted as part of the AmeriCorps. What has this done? It has changed the lives of real human beings. Young pregnant girls have been able to finish school, go to college and get jobs. I've been to his program. If there was ever a time that I wanted to cry tears of joy, it was after leaving St. John's Lutheran Church in Fallon, Nevada and watching these young women become productive parts of our society. These are great young women. Women who have now, as I indicated, graduated from high school or obtained their GEDs. They are now in college, young women who are off welfare and at work. It's not only morally right but it's the financially important thing to do.

Reverend Porterfield is with us today and I would like him to stand so we can acknowledge someone who is really a Christian and someone who has done great things on behalf of the American public. There is no one who recognizes our Christian, Judaical ethics more than Reverend Porterfield. He also has someone with him today, a woman by the name of Nikki Green. Nikki Green got out of the military. She wanted to improve her life and those of her two children. She now works for the AmeriCorps program and in return receives money so she can go to college. Nikki, I would like you to also stand to be recognized.

In 1988 President Bush signed on the day of my granddaughter's birth, one of the most important western legislations that has ever come across a President's desk and that was the Truckee-Carson Negotiated Settlement Act. What did that legislation do? It solved a 100-year water war between the states of California and Nevada. It dealt with two endangered species and two Indian tribes. It talked about upstream storage for Nevada, for Reno and Sparks, and it attempted to solve a problem of the wetlands area, that was at one time a 100,000 acre-feet, that dropped to less than 1,000 acre-feet of very putrid water. The President signed that. It was good legislation that is now being implemented. There is nothing that we have done that has dealt with two states, two Indian tribes, wetlands, domestic storage and endangered species that complicated. Nevada is now being used for a textbook at water conferences around the country. I recently initiated another round of

negotiations involving affected parties in northern Nevada to resolve some outstanding issues relating primarily to the agricultural interests in Lahontan Valley to have a say in potential federal changes in the Newlands Project which has been there since 1902. Unfortunately, the parties were not able to reach a consensus agreement. However, the good news is that they communicated. They sat across the table from each other and began to understand one another's positions. They walked out with smiles on their faces rather than frowns. There is hope for the future.

Soon, Representative Vucanovich and I plan to announce, along with State, Washoe County, Reno and Sparks, and Pyramid Lake Tribal representatives, a significant accomplishment of these negotiations. It relates to a water quality agreement that will end litigation involving Reno's waste water treatment facility and provide a minimum instream flow in the Truckee River and contribute to the recovery of Pyramid Lake.

On another water issue in the northern part of the state, I would call to this body's attention the environmental tragedy waiting to happen at Walker Lake. I am grateful to the Walker River Irrigation District, the Walker River Tribe and the state for engaging in discussions at my request to save this precious resource. But time is running out, there are only 21 other lakes like Walker Lake in the whole world, a desert terminus lake. We must find ways to provide additional water to this spectacular resource.

I am cognizant of the concern of agricultural interests about protecting their water rights. But I would urge this body to help move Nevada into a progressive era of water policy. We must find better ways to conserve water and to provide it both for agriculture and environmental purposes. Our growing population and future generations demand action. To that end, I would encourage you in this session to enact legislation that will reward irrigators for conserving water. No longer should we function under a "use it or lose it" approach that forces irrigators to pour water into the desert rather than face a reduction to their rights if they conserve.

In southern Nevada, I have been working closely with Governor Miller and with the Interior Department to find additional sources of water through necessary changes in the management of the Colorado River. I applaud the Governor's efforts in this area and would urge the legislature to be receptive to solutions that may require interstate cooperation. I have met on a number of occasions with Governor Leavitt of Utah and I believe he is committed to helping Nevada. We need to reach out to our sister state of Arizona in a spirit of cooperation. Neither Arizona nor Nevada can afford a water war.

Crime continues to plague our communities. Next week, I plan to hold a summit with the top law enforcement officials in southern Nevada, including the U.S. Attorney, the FBI and local law enforcement agencies to forge a federal and state partnership. I am going to do the same in northern Nevada and I solicit your input and assistance about the role of the Federal Government.

We have a scourge crossing our country dealing with crime. I've had the good fortune to be on surveillance efforts with the drug enforcement administration. I've spent time with the FBI, time with Customs and other local law enforcement agencies, but never was I more impressed than the evening I spent last Friday with Officer Modesto Reyes of the Reno Police Department Gang Task Force. As we traveled around Reno, looking at the problems facing this part of Nevada, we really have to join together and recognize that we have crime of epidemic proportions. We have to work together to solve those problems.

I also want to extend my congratulations and appreciation to the legislature for sending to me a resolution acknowledging that we should do something about the Source Tax. If there were ever a case about taxation without representation it is the Source Tax. How can we justify California, as an example, collecting taxes from our citizens when our citizens do not use their highways, recreation facilities, hospitals or anything else? We've passed it twice in the Senate. We hope to get it passed this time and get it signed by the President and I feel confident that we can do that. I would also solicit your assistance in dealing with a terribly unfair situation that we have in Schurz. I am trying my hardest to solicit federal assistance to build a new school there. The Bureau of Indian Affairs has no authority there. It is part of the Mineral County School District. There are more than 100 students and there would be more if the school was adequate. They currently attend classes in a substandard and really unsafe school. Many of these children, as young as five years old,

are bussed 90 miles a day. Local government has been unable to raise the funding to construct a new facility. Mineral County hasn't been able to do that. They need our assistance. I believe that Mineral County is lacking the ability to do that on their own and I think the state has an obligation to do that. I will work with you and together let us solve that problem.

In the area of gaming, Senator Bryan, Governor Miller and I have successfully blocked a number of tax initiatives from the Executive Branch that would have been detrimental to Nevada. Much to our chagrin, even more outlandish proposals seem to be starting to surface in the new Congress. We must be constantly vigilant to make sure our state's number one industry is not damaged.

Finally, let me say a word about the Nevada Test Site. Most of us here are opposed to siting a nuclear waste dump in Nevada. But I am concerned about a perceived linkage between the Yucca Mountain Project and any nuclear-related activity at the Test Site. The Test Site has safely handled nuclear materials for decades and can continue to do so. To lose this facility, its related jobs and scientific resources because of a misplaced fear of all things nuclear would be a tragedy to the State of Nevada. I believe we should keep our minds open to a new role for the Nevada Test Site in the nation's reconfigured nuclear defense complex.

In my opinion, we have strayed too far in recent decades from a core sense of values. Today's values more often seem to be based on the latest fad in the mass media rather than what comes from our hearts. If Alexis de Tocqueville were to visit America today, I wonder what he would think of our democracy. Might he conclude that the core of the American value system is self interest and self promotion? If he were to judge us solely on what he were to see on television, I think he might.

But I believe that there are overriding values in this great country of ours. American democracy has been fashioned by an ethic of hard work, of honest pay for an honest day's work, respect for others, and we should be fair and honest in our dealings with each other.

Each of us in this room today, regardless of our party affiliation, I believe that we, as elected representatives, must measure whether our votes and our actions are supportive of the middle class, as ours is the largest middle class of any in the world and the foundation of our economic success is the middle class. And just as importantly, do our actions reward hard work? Do they educate our people? Do they provide a government that serves? If our actions protect working men and women in rewarding hard work, educating our people and protecting our constitutional form of government, it will be said we served our country well. Thank you all, very much.

Senator Regan moved that the Senate and Assembly in Joint Session extend a vote of thanks to Senator Reid for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted the Senator to the bar of the Assembly.

Assemblyman Nolan moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:42 a.m.

ASSEMBLY IN SESSION

At 11:50 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Joint Resolution No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 39 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 8.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 8:

YEAS—33.

NAYS—Allard, Buckley, Ernaut, Harrington, Humke, Monaghan, Steel, Stroth—8.

Absent—Arberry.

Assembly Bill No. 8 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 10.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 10:

YEAS—41.

NAYS—None.

Absent—Arberry.

Assembly Bill No. 10 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 19.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 19:

YEAS—41.

NAYS—None.

Absent—Arberry.

Assembly Bill No. 19 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 48.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 48:

YEAS—41.

NAYS—None.

Absent—Arberry.

Assembly Bill No. 48 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 49.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 49:

YEAS—40.

NAYS—Anderson.

Absent—Arberry.

Assembly Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 50.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 50:

YEAS—41.

NAYS—None.

Absent—Arberry.

Assembly Bill No. 50 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 199.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 199:

YEAS—41.

NAYS—None.

Absent—Arberry.

Assembly Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 278.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 278:

YEAS—41.

NAYS—None.

Absent—Arberry.

Assembly Bill No. 278 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 330.

Bill read third time.

Remarks by Assemblymen Braunlin, Harrington, Spitler and Evans.

Conflict of interest declared by Assemblyman Harrington.

Assemblyman Spitler moved that Assembly Bill No. 330 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Spitler.

Motion carried.

Assembly Bill No. 354.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Assembly Bill No. 354:

YEAS—41.

NAYS—None.

Absent—Arberry.

Assembly Bill No. 354 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 21.

Resolution read third time.

Remarks by Assemblymen Ernaut, Price, Close, Freeman and Giunchigliani.

Roll call on Assembly Joint Resolution No. 21:

YEAS—31.

NAYS—Allard, Braunlin, Brower, Evans, Marvel, Monaghan, Nolan, Spitler, Tiffany, Mr. Speaker Hettrick—10.

Absent—Arberry.

Assembly Joint Resolution No. 21 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 137.

Bill read third time.

Remarks by Assemblymen Segerblom, Evans and Bache.

Assemblyman Bache moved that Senate Bill No. 137 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 330 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Spitler.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 330.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 330:

YEAS—40.

NAYS—None.

Absent—Arberry.

Not voting—Harrington.

Assembly Bill No. 330 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Concurrent Resolution No. 19.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Gabriela Mastaglia, Avelrey Covrnia and Jeremy Bentz.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Bordewich Elementary School: Emily Alotta, Anna Anderson, Luz Elena Arellano, Angela Bucknell, Heather Coltrin, Heather Curtis, Lizbeth Diaz, Leah Guerin, Shelby Henderson, Tajale Humphreys, Rocio Medina, Trina Savard, Matthew Brunette, James Butts, Dustin Carlson, Jonah Dorri, Justin Arthur Foss, Alan Garcia, Aaron Hinkle, Paul Kelly, Stuart Law, Joseph Libbee, Robert Lilly, Mario Lundio, Eric Ridge, Daniel Verduzco, Troy Walters, Heather Gordon, Stephanie Baumgardner, Alexander Becker, Cecilia Borja, Jami Bryant, Rachel Carter, Kimberly Dennis, Stephanie Devore, Esmeralda Fuentes, Natasha Gonzales, Kristen Kopp, Rachel Palmer, Elizabeth Segura, Jesus Avalos, Joseph Barrera, Darren Board, Joshua Brekken, Joe Fontanez, Jonathan Hall, Neil Holmes, Julius Israel, Ted Jost, Sergio Orantes, Matthew Texeira, Brandin Walters, Gregory Webb, Christian Solis, Shannon Von Schaible, Christy Amis, Starr Bowers, Elizabeth Carter, Rosa Diaz, Destiney Douglass, Brhianna Dyer, Whitney Fahnestock, Jayde Foody, Carolina Hernandez, Ashley Katauskas, Tonya Ledezma, Nicole Millard, Deana Rupert, Erika Sanchez, Carson Cardinal, Darin Cavallero, Brandon Ehrlich, Brian Fenn, Timothy Kane, Nelsen Kauley, Adam

Loomis, Noe Mata, Kevin Millim, Alberto Morris, Kalon Pichardo, Andy Pitlock, Mark Schweizer, Joshua Spuehler, Robert Votta, Monica Beck, Cassidy Clark, Heather Diamond, Olivia Eddy, Brandy Evans, Amanda Graham, Amanda Jessee, Shawna Jones, Athea Laverty-Pierce, Jackie Leggett, Edna Ramirez, Eva Ruiz, Rebecca Sanders, Lindsey Strouse, Mallory Bozeman, Casey Craugh, Frederic Davidson, Christopher Elliott, Christopher Glenn, Jamie Hillman, Joshua Pruitt, Timothy Ray, Richard Reed, Jorge Resendiz, Reese Rigsby and Jeremy Winters; teachers Ms. Rough, Ms. Geraets-Raug, Ms. Coe and Ms. Garrett.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Clark William Harrington and Heather Rachel Harrington.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Fareha Qureshi, Nathaniel Garrison, Roby McKnight, Ciera Cammarata, Stephanie Larson and Roseline Dipty.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Steve Shaffer.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Collins.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to William Magrath, Judy Magrath and the following students of Roy Gomm Elementary School: Emily Bailey, Ryan Bartlett, Nicholette Codding, Robin Cowan, Allison Daines, John Dickens, Daniel Dooley, Alison Hatjakes, Melanie Jimenez, Matthew Jojola, Rebecca Juell, Ty Kohler, Justin Lemons, David Lewandowski, Natalie Lloyd, Tyler Lucier, Laura Manca, Adam Micone, Julie Mullen, Jeffrey Oliveira, Brandon Saunders, Kimberly Walker, Brianna Wall, Amanda Wilday, Robert Anguis, Robyn Baker, Jorday Burge, Olivia Cartmill, Nicholas Cirac, Robert Coleman, Victoria Harris, Heidi Hoeck, Jennifer Hylin, Tomiko Thara, Chelsea Jasper, James Joseph, Andrew Kolvet, Nikolas Kosach, Eric Lindesmith, Alexander MacDonald, Katherine Osborne, Christina Rhodes, David Schiessl, Bradley Schochat, Gregory Stieha, Rosalicia Torres, Brandi Vigen, Megan Bailey, Juliette Budgen, Jay Childers, Derek Covington, Noel Darling, Matthew Dodd, Timothy Dooley, Kenneth Fuller, Charles Goodnight, Robert Griffin, Theresa Heath, Jenny Herron, Caitlin Hicks, David Hueftle, McKenna King, Kelsey Ligon, Antonios Maragakis, Erin McGaw, Angela Miller, Lydia Ormsby, Sabrina Sumner, Mark Ubando, Ashley Whittey, Leah Wren, Nicholas Arger, Trevor Basta, Daniel Bear, Aliina Fowler, Kelly Ganchan, Eric Gann, Gregory Goss, Mitchell Hegedus, Shannon Highfield, Claire Horowitz, Christopher Jackson, Melissa LeMay, Breanna Leuthold, Benjamin Loar, Kathryn Magrath, Jessica McKinley, Tyler Rogers, Allison Rueckl, Brandon Siri, Casy Strawn, Tarin Strickler, Kari Tepedino, David Tilton, Joeseph VanWalraven, Stephen Waite, Brandon Wright, Ian Ander-

son, Kenneth Anderson, Joshua Barrett, Daniel Burns, David Challis, David Dapra, Brett Farias, Kandance Gonzales, Daniel Harlow, Kevin Kane, Zachary Lattin, Peter McHugh, Emily McKenna, Dane McQuivey, Jonathan Minassian, Adam Pope, Ashley Redshaw, Veronica Rowe, Erin Shonkwiler, Karen Stieha, Debbie Stock, Lorena Valencia, David Young and Gina Zunini; teachers Marlene Cate, Diana Ghio, Tammy Kelly, Jackie Swobe-Borsum and Stephanie Hix.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Patsy Arnold and Joni Siplon.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, April 11, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:27 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTY-SIXTH DAY

CARSON CITY (Tuesday), April 11, 1995

Assembly called to order at 11:07 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, The Reverend Marvin Dennis.

Heavenly Father: please help each of us to pray daily and seek You. You have said in Your Word, "And this is the confidence that we have in Him, that if we ask anything according to His will, He heareth us, and if we know that He hears us, whatsoever we ask, we know that we have the petitions that we desired of Him." Thank You for the confidence that You are sovereign in all our lives. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 132, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Joint Resolution No. 4, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 10, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 79, 166.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 19 of the 67th Session.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 103, 173.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 171 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 39 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

Assemblyman Evans moved that Senate Bill No. 137 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Evans.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 178, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

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

Assembly in recess at 11:13 a.m. for the purpose of hearing musical renditions by the Hug High School Choir.

ASSEMBLY IN SESSION

At 11:29 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 464—An Act relating to the state personnel system; authorizing collective bargaining for certain employees of the state; providing for mediation and arbitration for resolution of certain disputes concerning state employees; requiring that contracts be submitted to the legislature for approval; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 465—An Act relating to state personnel; authorizing collective bargaining for certain employees of the state; specifying bargaining units; providing for mediation and arbitration for resolution of certain disputes concerning state employees; requiring that contracts be submitted to the legislature for approval; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 466—An Act relating to state employees; authorizing collective bargaining for certain employees in the classified service of the state; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 467—An Act relating to victims of crime; increasing certain amounts of aid available from the fund for the compensation of victims of crime; authorizing the award of compensation for victims of a crime in which a driver failed to stop at the scene of an accident involving death or bodily injury; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Ohrenschall, Manendo, Goldwater, Monaghan, Anderson, Batten, Buckley, Krenzer, Giunchigliani, Price, Bache, Perkins, Schneider, Steel and Dini:

Assembly Bill No. 468—An Act relating to the Las Vegas Valley Water District; prescribing the manner of charging for water delivered to a mobile home park through a master meter; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Stroth, Monaghan, Manendo, Ohrenschall, Steel, Carpenter, Buckley, Sandoval, Anderson, Allard, Ernaut, Bennett and Braunlin:

Assembly Bill No. 469—An Act relating to the death penalty; allowing certain relatives of a victim of murder to witness the execution of the death penalty; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 470—An Act relating to solid waste; returning the regulation of the disposal of solid waste to the authorities of this state; creating a commission to review administrative regulations governing the disposal of solid waste; reallocating certain revenue; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 471—An Act relating to water pollution; prohibiting the sale of products containing a certain amount of phosphate for laundering; prohibiting the use of such products by certain commercial and industrial establishments; providing a penalty; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 472—An Act relating to real estate; requiring a course of instruction for an original real estate salesman's license to include the subject of the disclosure of information in real estate transactions; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 473—An Act relating to manufactured housing; prohibiting a person from selling a used mobile home or used manufactured home without obtaining from the manufactured housing division of the department of business and industry a certificate of habitability or written authorization to sell the home without a certificate; requiring a dealer of a new mobile home or new manufactured home which is defective to correct the defect or replace the home; revising the conditions which render a mobile home or manufactured home substandard; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 474—An Act relating to insurance; requiring evidence of insurance issued by an insurer to include the period for which the premium for the policy of insurance has been paid; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 475—An Act relating to insurance; making various changes to provisions governing insurance; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 476—An Act relating to sales of real property; requiring a seller of certain residential property to disclose the condition of the property; requiring the development of a form for disclosure; establishing remedies for a seller's delayed disclosure or nondisclosure of defects; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 477—An Act relating to social workers; requiring certain records or information received by the board of examiners for social workers to be confidential; authorizing the board to issue subpoenas for the attendance of witnesses and the production of books and papers; establishing the requirements for the renewal of an expired license; prohibiting the board from issuing a license to engage in social work as an associate in social work; revising the fees charged by the board; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 478—An Act relating to sales of real property; requiring a seller of certain residential property to disclose information regarding the master plan and any private services, utilities, roads or improvements affecting the property; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 479—An Act relating to sales of real property; providing that any death that previously occurred on the property is not material to the transaction; excluding the agent of a buyer from liability for failure to disclose certain facts concerning the property; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 480—An Act relating to mobile home parks; requiring a landlord to disclose the history of rental charges for a lot to be rented; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Marvel:

Assembly Bill No. 481—An Act relating to local financial administration; authorizing local governments to impose property taxes, upon the approval of the voters, to be used to finance public works; authorizing local governments to impose an additional property tax, upon approval of the voters, to be used for the replacement of capital assets; and providing other matters properly relating thereto.

Assemblyman Marvel moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblyman Freeman (by request):

Assembly Bill No. 482—An Act making an appropriation to the department of education to increase the number of school nurses in county school districts; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Buckley, Schneider, Carpenter, Goldwater, Manendo, Ohrenschall, Steel, Sandoval, Humke, Anderson, Marvel, Giunchigliani, Fettic, Williams, Stroth, Tripple, Close, Bache, Monaghan and Tiffany:

Assembly Bill No. 483—An Act relating to counties; broadening the purposes and means of expending public money; and providing other matters properly relating thereto.

Assemblyman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Buckley, Ohrenschall, Manendo, Close, Anderson, Goldwater, Batten, Bache, Price, Spitler, Tripple, Lambert, Giunchigliani, Krenzer, Freeman, Schneider, Williams, Perkins, Chowning, Evans, de Braga and Segerblom:

Assembly Bill No. 484—An Act relating to mobile home parks; creating the account to provide assistance to tenants of mobile home parks who are temporarily unable to pay rent because of an illness or emergency; requiring a landlord of a mobile home park to offer a rental agreement for a certain period to certain tenants and prospective tenants; limiting the circumstances under which the landlord of a mobile home park may refuse to approve the prospective buyer of a mobile home or recreational vehicle which will remain in the park after the sale; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Buckley moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 103.

Assemblyman Ernaut moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 173.

Assemblyman Ernaut moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 205.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 247.

Amend the bill as a whole by adding new sections designated sections 5 through 7, to read as follows:

"Sec. 5. NRS 482.322 is hereby amended to read as follows:

482.322 1. A person shall not engage in the activities of a *new* vehicle dealer, *used vehicle dealer,* manufacturer, distributor or rebuilder in this state until he has been issued:

(a) A *new vehicle* dealer's, *used vehicle dealer's,* manufacturer's, distributor's, rebuilder's or lessor's license certificate or similar license or permit by every city within whose corporate limits he maintains an established place of business and by every county in which he maintains an established place of business outside the corporate limits of a city; and

(b) A license by the department. The department shall not issue a license to the person until he has been issued all certificates, licenses and permits required by paragraph (a).

2. A vehicle dealer's, manufacturer's or rebuilder's license issued pursuant to this chapter does not permit a person to engage in the business of a new or used mobile home dealer, manufacturer or rebuilder.

3. The department shall investigate any applicant for a dealer's, manufacturer's, distributor's, rebuilder's or lessor's license certificate or license and complete an investigation report on a form provided by the department.

Sec. 6. NRS 482.350 is hereby amended to read as follows:

482.350 *1.* A new vehicle dealer's license shall not be furnished to any dealer in new vehicles, trailers or semitrailers unless the dealer [shall first furnish] *first furnishes* the department an instrument executed by or on behalf of the manufacturer certifying that he is an authorized franchised dealer for the make or makes of vehicle concerned. New vehicle dealers [shall be] *are* authorized to sell *at retail* only those new vehicles for which they are certified as franchised dealers by the manufacturer.

2. In addition to selling used vehicles, a used vehicle dealer may:

(a) Sell at wholesale a new vehicle to a new or used vehicle dealer; and

(b) Sell a new vehicle on consignment from a person not licensed as a vehicle dealer.

Sec. 7. NRS 482.423 is hereby amended to read as follows:

482.423 1. When a new vehicle is sold in this state [,] *for the first time,* the seller shall complete and execute a manufacturer's certificate of origin or a manufacturer's statement of origin and, unless the vehicle is sold to a licensed dealer, a dealer's report of sale. The dealer's report of sale must be in a form prescribed by the department and must include:

(a) A description of the vehicle;

(b) The name and address of the seller; and

(c) The name and address of the buyer.

If in connection with the sale a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party or his assignee must be entered on the dealer's report of sale and on the manufacturer's certificate or statement of origin.

2. Unless an extension of time is granted by the department, the seller shall:

(a) Submit the original of the dealer's report of sale and the manufacturer's certificate or statement of origin to the department within 20 days after the execution of the dealer's report of sale; and

(b) Furnish one copy of the report to the buyer.

One copy must be affixed to the right front windshield of the vehicle, which permits the vehicle to be operated for a period not to exceed 10 days. Upon the issuance of the certificate of registration for the vehicle or the expiration of 10 days after the sale, whichever occurs first, the buyer shall remove the copy from the windshield of the vehicle.

3. For the purposes of establishing compliance with the period required by paragraph (a) of subsection 2, the department shall use the date imprinted or otherwise indicated on the dealer's report of sale as the beginning date of the 20-day period.

4. The department shall furnish a special permit for use when a contract of sale is entered to enable the buyer to operate the vehicle for a period not to exceed 10 days. Upon execution of all required documents to complete the sale of a vehicle, the dealer shall remove this permit and execute a dealer's report of sale as required by this section.".

Amend the title of the bill to read as follows:

"An Act relating to motor vehicles; establishing restrictions for the sale of certain vehicles by certain long-term lessors; expanding the definitions of "new vehicle," "used vehicle" and "used vehicle dealer" for the purposes of the sale and registration of such vehicles; requiring a person to possess a new vehicle dealer's license to engage in the activities of a new vehicle dealer; requiring a person to possess a used vehicle dealer's license to engage in the activities of a used vehicle dealer; authorizing a used vehicle dealer to sell a new vehicle under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions regarding sale, lease and registration of motor vehicles. (BDR 43-113)".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblyman Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 293.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 305.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 387.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 243.

Amend the bill as a whole by deleting sections 1 through 5 and renumbering sections 6 and 7 as sections 2 and 3 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 218.6825 is hereby amended to read as follows:

218.6825 1. There is hereby created in the legislative counsel bureau an interim finance committee composed of the members of the assembly standing committee on ways and means and the senate standing committee on finance during the current or immediately preceding session of the legislature. The immediate past chairman of the senate standing committee on finance is the chairman of the interim finance committee for the period ending with the convening of each even-numbered regular session of the legislature. The immediate past chairman of the assembly standing committee on ways and means is the chairman of the interim finance committee during the next legislative interim, and the chairmanship alternates between the houses of the legislature according to this pattern.

2. If any regular member of the committee informs the secretary that he will be unable to attend a particular meeting, the secretary shall notify the speaker of the assembly or the majority leader of the senate, as the case may be, to appoint an alternate for that meeting from the same house and political party as the absent member.

3. The interim finance committee, except as otherwise provided in subsection 4, may exercise the powers conferred upon it by law only when the legislature is not in regular or special session. The membership of any member who does not become a candidate for reelection or who is defeated for reelection continues until the next session of the legislature is convened.

4. During a regular session the interim finance committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, *subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100,* subsection 3 of NRS 328.480, subsection 1 of NRS 341.145, NRS 353.220, 353.224 and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, subsection 6 of

NRS 445.700 and NRS 538.650. In performing those duties, the senate standing committee on finance and the assembly standing committee on ways and means may meet separately and transmit the results of their respective votes to the chairman of the interim finance committee to determine the action of the interim finance committee as a whole.

5. The director of the legislative counsel bureau shall act as the secretary of the interim finance committee.

6. A majority of the members of the assembly standing committee on ways and means and a majority of the members of the senate standing committee on finance, jointly, may call a meeting of the interim finance committee if the chairman does not do so.

7. In all matters requiring action by the interim finance committee, the vote of the assembly and senate members must be taken separately. An action must not be taken unless it receives the affirmative vote of a majority of the assembly members and a majority of the senate members.

8. Except during a regular or special session of the legislature, each member of the interim finance committee and appointed alternate is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a committee meeting or is otherwise engaged in committee work plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. All such compensation must be paid from the contingency fund in the state treasury.''.

Amend sec. 6, page 3, line 42, after ''The'' by inserting: ''provisions of NRS 321.335 and 322.007 which require approval of the interim finance committee notwithstanding and in lieu thereof, the''.

Amend sec. 6, page 4, between lines 4 and 5 by inserting:

''3. The leasing of certain land within Washoe Lake State Park, with an option to renew, to Washoe County, for the placement of a caretaker residence and related septic system, from the date it receives the requisite approval from the legislature and the state board of examiners for a term of 10 years, upon the terms and conditions set forth in the proposed lease.

4. The leasing of certain land at the Southern Nevada Correctional Center, with an option to renew, to Fleet Call of Utah, Inc., for the construction and maintenance of an equipment shelter and antenna, from the date it receives the requisite approval from the legislature and the state board of examiners for a term of 5 years, upon the terms and conditions set forth in the proposed lease.

5. The leasing of four wood frame residences within the Stewart Indian School historic district, with a limited option to renew, to the F.I.S.H. Emergency Referral Services Program, Inc., for use as transitional housing for the homeless, from the date it receives the requisite approval from the legislature and the state board of examiners for a term of 5 years, upon the terms and conditions set forth in the proposed lease.

6. The leasing of certain water rights, with an option to renew, to the Silver Lake Water Distribution Company for delivery of state-owned water

to the organization maintenance shop and armory of the Nevada Army National Guard, from the date it receives the requisite approval from the legislature and the state board of examiners to August 14, 2036, upon the terms and conditions set forth in the proposed lease.".

Amend sec. 6, page 4, line 5, by deleting "3." and inserting "7.".

Amend the title of the bill to read as follows:

"An Act relating to state land; authorizing the interim finance committee to approve leases, exchanges and sales of certain state land while the legislature is in regular or special session; approving the execution of six particular leases and the sale of a certain state building and land; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting "(BDR 26-1866)" and inserting "(BDR 17-1866)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 25.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 41.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 85.

Amend section 1, page 1, by deleting line 16 and inserting: "2. Except as otherwise provided in subsection 5,".

Amend section 1, pages 1 and 2, by deleting line 25 on page 1 and lines 1 through 13 on page 2, and inserting:

"(c) Sell the confiscated instrument or weapon at a public auction to be held at least once in each year, after notice giving the place and time of the auction and describing the instruments or weapons to be sold is published once a week for 2 weeks immediately preceding the date of the auction in a newspaper of general circulation in the county or city.] ;

(c) Destroy or direct the destruction of the confiscated instrument or weapon if it is not otherwise required to be destroyed pursuant to subsection 5;

(d) Trade the confiscated instrument or weapon to a properly licensed retailer or wholesaler in exchange for equipment necessary for the performance of the agency's duties; or

(e) Donate the confiscated instrument or weapon to a museum, the Nevada National Guard or, if appropriate, to another person for use which furthers a charitable or public interest.

3. All proceeds of a sale ordered pursuant to subsection 2 by:".

Amend section 1, page 2, by deleting lines 19 through 26 and inserting:

"4. Any officer receiving an order [as provided in] *pursuant to* subsection 2 shall comply with the order as soon as practicable.

5. [The] *Except as otherwise provided in subsection 6, the* officer to whom a confiscated instrument or weapon is surrendered pursuant to subsection 1 shall:

(a) Destroy or direct to be destroyed any instrument or weapon which is determined to be dangerous to the safety of the public.".

Amend section 1, page 2, after line 34, by inserting:

"*(d) Return any instrument or weapon which was stolen to its rightful owner, unless the return is otherwise prohibited by law.*

6. Before any disposition pursuant to subsection 5, the officer who is in possession of the confiscated instrument or weapon shall submit a full description of the instrument or weapon to a laboratory which provides forensic services in this state. The director of the laboratory shall determine whether the instrument or weapon:

(a) Must be sent to the laboratory for examination as part of a criminal investigation; or

(b) Is a necessary addition to a referential collection maintained by the laboratory for purposes relating to law enforcement.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 65.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 121.

Amend section 1, page 2, between lines 3 and 4, by inserting:

"*4. The department may waive an examination pursuant to subsection 1 for a person applying for a Nevada driver's license who possesses a valid driver's license of the same type or class issued by another jurisdiction unless that person:*

(a) Has not attained 25 years of age;

(b) Has had his license or privilege to drive a motor vehicle suspended, revoked or canceled or has been otherwise disqualified from driving during the immediately preceding 4 years;

(c) Is seeking to transfer a commercial driver's license;

(d) Has been convicted of the offense of driving a motor vehicle while under the influence of an intoxicating liquor, a controlled substance or chemical poison or organic solvent during the immediately preceding 7 years, or the violation of a law which prohibits the same or similar conduct;

(e) Has restrictions to his driver's license which the department must reevaluate to ensure the safe driving of a motor vehicle by that person;

(f) Has had three or more convictions of moving traffic violations on his driving record during the immediately preceding 4 years; or

(g) Has been convicted of any of the offenses related to the use or operation of a motor vehicle which must be reported pursuant to the

provisions of Parts 1325 and 1327 of Title 23 of the Code of Federal Regulations relating to the National Driver Register Problem Driver Pointer System during the immediately preceding 4 years.".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 66.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 173.

Amend section 1, page 1, line 4, before "*may*" by inserting: "*, except as otherwise provided in NRS 486.071,*".

Amend the bill as a whole by renumbering sections 2 through 4 as sections 3 through 5 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 486.071 is hereby amended to read as follows:

486.071 Except as *otherwise* provided in NRS 486.161, [no person shall be issued] *the department shall not issue* a motorcycle driver's license [or authorized to drive a motorcycle unless such person:] *unless the applicant:*

1. Is at least 16 years of age; and

2. Has successfully completed [such] *:*

(a) Such written examination and driving test as may be required by the department [.] *; or*

(b) A course of motorcycle safety approved by the department.".

Amend sec. 2, page 1, by deleting lines 9 through 12 and inserting: "for a motorcycle driver's license [. The] *to submit to an examination conducted by the department or successfully complete a course of motorcycle safety approved by the department.*

2. *An* examination may be held in the county where the applicant resides within 30 days after the date application is made [.

2. The examination must] *and may* include:".

Amend sec. 3, page 2, line 1, after "as" by inserting "*otherwise*".

Amend sec. 3, page 2, by deleting lines 17 and 18 and inserting: "motorcycle, successfully pass [a] *:*

(a) A driving test conducted by the department *; or*

(b) A course of motorcycle safety approved by the department,

and have the authority endorsed upon his license.".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 391.
Bill read third time.
Remarks by Assemblyman Evans.
Roll call on Assembly Bill No. 391:

YEAS—41.
NAYS—None.
Absent—Arberry.

Assembly Bill No. 391 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 39.
Bill read third time.
Remarks by Assemblyman Krenzer.
Roll call on Assembly Bill No. 39:

YEAS—39.
NAYS—Schneider, Spitler—2.
Absent—Arberry.

Assembly Bill No. 39 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 137.
Bill read third time.
Remarks by Assemblymen Evans, Spitler and Brower.
Roll call on Senate Bill No. 137:

YEAS—41.
NAYS—None.
Absent—Arberry.

Senate Bill No. 137 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 5, 7, 126, 127, 128, 190; Assembly Concurrent Resolutions Nos. 4, 8, 19; Assembly Joint Resolution No. 10.

REMARKS FROM THE FLOOR

Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. Today is indeed a very joyous occasion for me, Mr. Speaker. I get to introduce to this chamber one of my true heroes. When I think of him, I think of every quality I wish I had. I apologize for this lengthy introduction, Mr. Speaker, but it is something I feel strongly about.

As many of you recall, the 1993 Legislative Session concluded on the evening of July 2, 1993. Well, I like many others headed south on July 3rd, of course, obeying the speed limit all the way home. A little over two weeks later, on July 19th, after feeling ill, my 10-year-old son, Brian, was diagnosed with cancer. Being ignorant about childhood cancer, I assumed that it was a terminal disease and that my only son was going to die.

Mr. Speaker, because of his perseverance, that was not to be the case. On July 22nd, Brian underwent abdominal surgery to remove his malignant tumor. After that, he began what would be almost a year of chemotherapy. Brian started this adventure at a little over five feet tall and weighed 80 pounds. During his treatment, he endured over 15 spinal taps, a homebound education absent of the company of other children, the normal nausea and vomiting, hair loss, a bout with spinal meningitis, a couple of trips to intensive care, a drop in weight to 60 pounds and the loss of three roommates to their battles with similar diseases.

About midway through his treatment, Brian felt so horrible, that he told me he didn't want to take his medicine anymore. He was very difficult to motivate because of his condition, which of course, caused his mother and me great concern because we all know how important it is to fight through this sort of illness. In short, if you don't want to live, you will not. Soon, however, for reasons we will always cherish in our family, Brian began fighting with all his might, Mr. Speaker.

Brian became stronger and actually gained his weight back. He is back in school, weighs nearly 100 pounds and has obviously grown back his hair. I watched my son fight through the pain, endure the procedures, deal with the side effects of the procedures, endure the secondary illnesses as deadly as the cancer and overcome the emotions one feels when your friends are dying around you. He overcame a terrible disease. It is with that background, Mr. Speaker, that I am proud to present to this body, my hero and my son, Brian.

Mr. Speaker, I have been asked, "How do you deal with your child having cancer?" I really didn't think about it while we dealt with it. But I now have to ask, "How do you not deal with it?" I would still tell you that you cannot do it alone. With that, I would like to publicly thank the doctors, nurses, medical staff, family, friends and others that all contributed to my son's treatment and recovery. I would also like to thank each and every one of you who kept him in your prayers, asked about him with every contact and genuinely provided the love that our whole family needed to maintain our strength. Thank you.

ASSEMBLYMAN ANDERSON:

As an Irishman, I have the great pleasure of the emotion. I don't think there is anyone in this chamber who is not touched by the emotional fight that you, my most distinguished colleague from District No. 23 support, an example you have provided to your son. We applaud you, your wife and family for what they have accomplished in this fight also. Thank you for keeping that spirit alive which is Nevada.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Lee Philley, Cheryl Philley, Kathy Philley, Kevin Philley, Paul Philley, Aaron Philley, Luke Philley, Pattrick Philley.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Rita Moran.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Paradise Valley School: Gabe Altman, Jake Echevarria, Danielle Cassinelli,

Toni Fretwell, Rudy Martinez, Jessy Martinez, Andrew Anderson, Kami Deputy, Erin Schwartz and Emily Kretschmer; teacher Connie Kretschmer; chaperones Verra Altman and Liz Chabot.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Perkins, Brian Perkins, Rikki Perkins and Ashley Perkins.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Eva Segerblom.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Katherine Cesario.

Assemblyman Ernaut moved that the Assembly adjourn until Wednesday, April 12, 1995 at 11 a.m., and that it do so in honor of Brian Perkins.

Motion carried.

Assembly adjourned at 12:09 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTY-SEVENTH DAY

CARSON CITY (Wednesday), April 12, 1995

Assembly called to order at 11:11 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblymen Arberry and Marvel, who were excused.

Prayer by the Chaplain, The Reverend Marvin Dennis.

As we continue our work serving the people of Nevada, I ask that our prayer may be as You taught us to pray: Our Father, who art in Heaven, hallowed be Thy Name; Thy kingdom come; Thy will be done on Earth, as it is in Heaven. Give us this day our daily bread, and forgive us our debts, as we forgive our debtors; and lead us not into temptation, but deliver us from evil; for Thine is the kingdom, the power and the glory, forever.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Government Affairs:

Assembly Concurrent Resolution No. 23—Providing for the recognition of certain associations that represent state employees.

Assemblyman Bache moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Concurrent Resolution No. 24—Directing the adjustment of sums of money from the issuance of certain state general obligation bonds previously authorized for expenditure for certain purposes related to the protection and preservation of natural resources.

Assemblyman Evans moved that the resolution be referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 485—An Act relating to motor vehicles; requiring the submission of evidence of insurance or other security for the renewal of the registration of a motor vehicle; and providing other matters properly relating thereto.

Assemblyman Batten moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 486—An Act relating to motor vehicles; requiring certain persons who sell vehicles as salvage to forward the certificate of ownership or other evidence of title to the state agency responsible for keeping records of those vehicles; prohibiting a person from removing a salvage vehicle from this state under certain circumstances; authorizing a person who is a licensed automobile wrecker in another state to purchase a vehicle from an operator of a salvage pool under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 487—An Act relating to state purchasing; requiring the chief of the purchasing division of the department of administration to establish a supplemental food program; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 488—An Act relating to accountants; revising the requirements of education for a certificate of certified public accountant; increasing the penalty for the false or misleading use of certain designations or titles relating to accounting; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 489—An Act relating to land use; revising provisions governing actions against certain planning and zoning agencies; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Carpenter, Harrington, Stroth, Bennett, Hettrick, Fettic, Monaghan and Sandoval:

Assembly Bill No. 490—An Act relating to taxation; providing for a gradual reduction in the rate of the business tax; repealing the business tax prospectively; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Taxation.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:17 a.m.

ASSEMBLY IN SESSION

At 11:48 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JACK D. CLOSE, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Elections and Procedures.

JACK D. CLOSE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Evans moved that the vote whereby Assembly Bill No. 487 was referred to the Committee on Government Affairs be rescinded.

Remarks by Assemblyman Evans.

Motion carried.

Assemblyman Evans moved that Assembly Bill No. 487 be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 132.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 105.

Amend section 1, page 1, by deleting lines 6 through 11 and inserting: "holder to purchase coupons or otherwise receive benefits under the Act.] *"Access device" means any card, plate, account number or other means of access that can be used, alone or in conjunction with another access device, to obtain payments, allotments, benefits, money, goods or other things of value, or that can be used to initiate a transfer of funds pursuant to the Act.*

(b) "Act" means the Food Stamp Act of [1964] *1977, as amended* (7 U.S.C. §§ 2011, et seq.) and regulations [promulgated] *adopted* thereunder.

(c) "Coupon" means a food stamp , *coupon, certificate or access device* issued by the United States Department of Agriculture as provided in the Act.

2. Any person who knowingly uses, transfers, *sells, purchases,* acquires, alters or pos-".

Amend section 1, page 2, between lines 4 and 5, by inserting:

"*5. The value of all coupons misappropriated in separate acts of fraud involving coupons must be combined for the purposes of imposing punishment for the offense charged if:*

(a) The separate acts were committed within 6 months before the offense;

(b) None of the individual acts is punishable as a felony; and

(c) The cumulative value of all the coupons misappropriated is sufficient to make the offense punishable as a felony.

6. A court may accept as a complete or partial mitigation of the offense satisfactory evidence that a person convicted of violating any of the provisions of this section sold or transferred the coupons for cash to buy necessities which may not be obtained with coupons, such as gasoline, toilet paper or diapers.".

Amend the title of the bill, second line, after the semicolon by inserting: "requiring the cumulation or mitigation of offenses under certain circumstances;".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing crimes relating to federal food stamps. (BDR 15-845)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 178.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 109.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 517.030 is hereby amended to read as follows:

517.030 1. Within 60 days after posting the notice of location, the locator of a lode mining claim shall distinctly define the boundaries of the claim by placing a valid legal monument at each corner of the claim. A valid legal monument may be created by:

(a) Removing the top of a tree [(having] , *which has* a diameter of not less than 4 inches , [)] not less than 3 feet above the ground, and blazing and marking it;

(b) Capping a rock in place with smaller stones so that the rock and stones have a height of not less than 3 feet; or

(c) Setting a wooden or metal post or a stone.

2. If a wooden post is used, the dimensions of the post must be at least 1½ inches by 1½ inches by 4 feet, and the post must be set 1 foot in the ground.

3. If a metal post is used, the post must be at least 2 inches in diameter by 4 feet in length, and it must be set 1 foot in the ground. If the metal post is hollow and:

(a) Is not set before [the] March 16, 1993, the post must be securely capped.

(b) Was set before March 16, 1993, the post must be securely capped on or before August 31, 1995.

4. If it is practically impossible, because of bedrock or precipitous ground, to sink a post, it may be placed in a mound of earth or stones. If the proper placing of a monument is impracticable or dangerous to life or limb, the monument may be placed at the nearest point properly marked to designate its right place.

5. If a stone is used [(] *which is* not a rock in place , [),] the stone must be not less than 6 inches in diameter and 18 inches in length, and it must be set with two-thirds of its length in the top of a mound of earth or stone 3 feet in diameter and 2½ feet in height.

6. Durable plastic pipe that was set before March 16, 1993, for the purpose of defining the boundaries of a lode mining claim shall be deemed to constitute a valid legal monument if the pipe is at least 3 inches in diameter by 4 feet in length, and the pipe is set 1 foot in the ground.

7. The locator of a lode mining claim located before March 16, 1993, or his successor in interest, may remove the durable plastic pipe described in subsection 6 and replace the monument of location and the corner monuments with valid legal monuments in the manner prescribed pursuant to subsection 1. The locator or his successor in interest is not required to replace a monument located at the center of a side line. Within 60 days after the replacement, the locator of the lode mining claim, or his successor in interest, shall record a notice of remonumentation with the county recorder of the county in which the claim is located and pay the fee required by NRS 247.305. The notice must contain:

(a) The name of the claim;

(b) The book and page number or the document number of the certificate of location or the most recent amendment to the certificate of location;

(c) The book and page number or the document number of the map filed pursuant to NRS 517.040; and

(d) A description of the monument used to replace each monument that is removed.

The notice may include more than one claim.

8. The replacement of durable plastic pipe or the recording of a notice pursuant to subsection 7 does not:

(a) Amend or otherwise affect the legal validity of the claim for which the monuments were created;

(b) Modify the date of location of the claim; or

(c) Require the filing of an additional or amended map pursuant to NRS 517.040.".

Amend section 1, pages 1 and 2, by deleting lines 1 through 24 on page 1 and lines 1 through 29 on page 2, and inserting:

"Sec. 2. Section 2 of chapter 10 of Statutes of Nevada 1993, is hereby amended to read as follows:

Sec. 2. NRS 517.030 is hereby amended to read as follows:

517.030 1. Within 60 days after posting the notice of location, the locator of a lode mining claim shall distinctly define the boundaries of the claim by placing a valid legal monument at each corner of the claim. A valid legal monument may be created by:

(a) Removing the top of a tree, which has a diameter of not less than 4 inches, not less than 3 feet above the ground, and blazing and marking it;

(b) Capping a rock in place with smaller stones so that the rock and stones have a height of not less than 3 feet; or

(c) Setting a wooden or metal post or a stone.

2. If a wooden post is used, the dimensions of the post must be at least 1½ inches by 1½ inches by 4 feet, and the post must be set 1 foot in the ground.

3. If a metal post is used, the post must be at least 2 inches in diameter by 4 feet in length, and it must be set 1 foot in the ground. If the metal post is hollow [and:

(a) Is not set before March 16, 1993, the post] , *it* must be securely capped.

[(b) Was set before March 16, 1993, the post must be securely capped on or before August 31, 1995.]

4. If it is practically impossible, because of bedrock or precipitous ground, to sink a post, it may be placed in a mound of earth or stones. If the proper placing of a monument is impracticable or dangerous to life or limb, the monument may be placed at the nearest point properly marked to designate its right place.

5. If a stone is used which is not a rock in place, the stone must be not less than 6 inches in diameter and 18 inches in length, and it must be set with two-thirds of its length in the top of a mound of earth or stone 3 feet in diameter and 2½ feet in height.

6. Durable plastic pipe that was set before March 16, 1993, for the purpose of defining the boundaries of a lode mining claim shall be deemed to constitute a valid legal monument if [the] *:*

(a) The pipe is at least 3 inches in diameter by 4 feet in length, and the pipe is set 1 foot in the ground [.] *; and*

(b) The pipe is securely capped with no open perforations.

7. The locator of a lode mining claim located before March 16, 1993, or his successor in interest, may remove the durable plastic pipe described in subsection 6 and replace the monument of location and the corner monuments with valid legal monuments in the manner prescribed pursuant to subsection 1. The locator or his successor in interest is not required to replace a monument located at the center of a side line. Within 60 days after

the replacement, the locator of the lode mining claim, or his successor in interest, shall record a notice of remonumentation with the county recorder of the county in which the claim is located and pay the fee required by NRS 247.305. The notice must contain:

(a) The name of the claim;

(b) The book and page number or the document number of the certificate of location or the most recent amendment to the certificate of location;

(c) The book and page number or the document number of the map filed pursuant to NRS 517.040; and

(d) A description of the monument used to replace each monument that is removed.

The notice may include more than one claim.

8. The replacement of durable plastic pipe or the recording of a notice pursuant to subsection 7 does not:

(a) Amend or otherwise affect the legal validity of the claim for which the monuments were created;

(b) Modify the date of location of the claim; or

(c) Require the filing of an additional or amended map pursuant to NRS 517.040.".

Amend the bill as a whole by deleting sections 2 and 3 and renumbering section 4 as section 3.

Amend sec. 4, page 4, by deleting lines 3 through 6 and inserting:

"Sec. 3. If, before the effective date of this act, the locator of a lode mining claim located before March 16, 1993, or his successor in interest, removes and replaces durable plastic pipe in the manner described in NRS 517.030, as amended by section 1 of this act, the locator or his successor in interest may, within 60 days after the effective date of this act, record a notice of remonumentation as".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. This act becomes effective upon passage and approval.".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 46.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 4.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 293.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Assembly Bill No. 293:

YEAS—40.

NAYS—None.

Absent—Arberry, Marvel—2.

Assembly Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 305.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 305:

YEAS—40.

NAYS—None.

Absent—Arberry, Marvel—2.

Assembly Bill No. 305 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 25.

Resolution read third time.

Remarks by Assemblyman Tripple.

Roll call on Assembly Joint Resolution No. 25:

YEAS—38.

NAYS—Harrington, Mr. Speaker Hettrick—2.

Absent—Arberry, Marvel—2.

Assembly Joint Resolution No. 25 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 27.

The following Senate amendment was read:

Amendment No. 178.

Amend section 1, page 1, by deleting lines 20 through 22 and inserting: "baptismal certificate or other proof acceptable to the department,] *issued by a state or the District of Columbia or other proof of the applicant's date of birth,* including, but not limited to, a driver's license issued by another state or the District of Columbia [;] , *or a baptismal certificate and other proof that is determined to be necessary and is acceptable to the department;* or".

Amend sec. 2, page 2, by deleting lines 16 and 17 and inserting: "*issued by a state or the District of Columbia* or other proof [acceptable to the department and shall provide] *of the applicant's date of birth, including, but not limited to, a driver's license issued by another state or the District of Columbia, or a baptismal certificate and* such other corroboration of the matters stated".

Assemblyman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 27.

Remarks by Assemblyman Chowning.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 79, 166; Assembly Joint Resolution No. 19 of the 67th Session.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Wooster High School: Robert Downs, Heather Maness-Pead, Jamiel Rashdan, Frank Reppi, Ida Staunstrup, Sean Aaquist, Emily Ames, Michael Benny, Shelly Curti, Beau Duc, Crystal Flippo, Anita Griffith, Quintana Kemp, Ryan Malloy, Gloria Martinez, Jack Merrill, Kimberly Nabors, Trassen Oppelt, Jussi Ruonamaa, Christine Sanchez, Craig Simons, Sylvia Taylor, Scott Ulm, Issac Faillers, Christopher Kirsten and Andre Watson; teacher Barbara Fleischer.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Eureka High School: Josh Auch, Diana Carr, Steven Derricott, Amy Drumm, Tiffany Dyer, Evey Eskandon, Amanda Hubbard, Jerry Ithurralde, Nikki Jenssen, Travis Laws, Denise Moyle, Carrie Olsen and Summer Rowley; teacher Carolyn Olsen; chaperone Ken Olsen.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, April 13, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:05 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE EIGHTY-EIGHTH DAY

CARSON CITY (Thursday), April 13, 1995

Assembly called to order at 11:06 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, The Reverend Marvin Dennis.

Our Heavenly Father, everyday is a special day and you have taught us in Your word that Your mercies are new every morning. Thank You for this special time of the year when our thoughts turn to You in a special way. For some, the celebration of the Passover and deliverance from Egypt. For others, the celebration of the death, burial and resurrection of the Lord Jesus Christ. Regardless of our background or who we are I ask that You bring us together in love and understanding for the good of our land, our families and our personal lives. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: without recommendation.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 80, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 228, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 93, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Freeman, Williams and Evans:

Assembly Bill No. 491—An Act relating to the care of children; providing for the imposition of additional administrative sanctions against a child care facility for certain violations; expanding the restriction upon the smoking of tobacco in a child care facility; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 13.

Resolution read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 175.

Amend the resolution, pages 1 through 3, by deleting lines 1 through 29 on page 1, lines 1 through 48 on page 2 and lines 1 through 3 on page 3, and inserting:

"RESOLVED BY THE ASSEMBLY AND THE SENATE OF THE STATE OF NEVADA, JOINTLY, That section 1 of article 16 of the constitution of the State of Nevada be amended to read as follows:

Section 1. 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a Majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the Yeas and Nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people, in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall, unless precluded by subsection 2 [,] *or section 2 of article 19 of this constitution,* become a part of the Constitution.

2. If two or more amendments which affect the same section of the constitution are ratified by the people *pursuant to this section* at the same election:

(a) If all can be given effect without contradiction in substance, each shall become a part of the constitution.

(b) If one or more contradict in substance the other or others, that amendment which received the largest favorable vote, and any other *ratified* amendment or amendments compatible with it, shall become a part of the constitution.

3. If , after the proposal of an amendment, another amendment is ratified *pursuant to this section* which affects the same section of the constitution but is compatible with the proposed amendment, the next legislature if it agrees to the proposed amendment shall submit such proposal to the people as a further amendment to the amended section. If, after the proposal of an amendment, another amendment is ratified *pursuant to this section* which contradicts in substance the proposed amendment, such proposed amendment shall not be submitted to the people.

And be it further

RESOLVED, That section 2 of article 19 of the constitution of the State of Nevada be amended to read as follows:

Sec. 2. 1. Notwithstanding the provisions of section 1 of article 4 of this constitution, but subject to the limitations of section 6 of this article, the people reserve to themselves the power to propose, by initiative petition, statutes and amendments to statutes and amendments to this constitution, and to enact or reject them at the polls.

2. An initiative petition shall be in the form required by section 3 of this article and shall be proposed by a number of registered voters equal to 10 percent or more of the number of voters who voted at the last preceding general election in not less than 75 percent of the counties in the state, but the total number of registered voters signing the initiative petition shall be equal to 10 percent or more of the voters who voted in the entire state at the last preceding general election.

3. If the initiative petition proposes a statute or an amendment to a statute, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than January 1 of the year preceding the year in which a regular session of the legislature is held. After its circulation, it shall be filed with the secretary of state not less than 30 days prior to any regular session of the legislature. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall transmit such petition to the legislature as soon as the legislature convenes and organizes. The petition shall take precedence over all other measures except appropriation bills, and the statute or amendment to a statute proposed thereby shall be enacted or rejected by the legislature without change or amendment within 40 days. If the proposed statute or amendment to a statute is enacted by the legislature and approved by the governor in the same manner as other statutes are enacted, such statute or amendment to a statute shall become law, but shall be subject to referendum petition as provided in section 1 of this article. If the statute or amendment

to a statute is rejected by the legislature, or if no action is taken thereon within 40 days, the secretary of state shall submit the question of approval or disapproval of such statute or amendment to a statute to a vote of the voters at the next succeeding general election. If a majority of the voters voting on such question at such election votes approval of such statute or amendment to a statute, it shall become law and take effect upon completion of the canvass of votes by the supreme court. An initiative measure so approved by the voters shall not be amended, annulled, repealed, set aside or suspended by the legislature within 3 years from the date it takes effect. If a majority of such voters votes disapproval of such statute or amendment to a statute, no further action shall be taken on such petition. If the legislature rejects such proposed statute or amendment, the governor may recommend to the legislature and the legislature may propose a different measure on the same subject, in which event, after such different measure has been approved by the governor, the question of approval or disapproval of each measure shall be submitted by the secretary of state to a vote of the voters at the next succeeding general election. If the conflicting provisions submitted to the voters are both approved by a majority of the voters voting on such measures, the measure which receives the largest number of affirmative votes shall thereupon become law. *If at the session of the legislature to which an initiative petition proposing an amendment to a statute is presented which the legislature rejects or upon which it takes no action, the legislature amends the statute which the petition proposes to amend in a respect which does not conflict in substance with the proposed amendment, the secretary of state in submitting the statute to the voters for approval or disapproval of the proposed amendment shall include the amendment made by the legislature.*

4. If the initiative petition proposes an amendment to the constitution, the person who intends to circulate it shall file a copy with the secretary of state before beginning circulation and not earlier than September 1 of the year before the year in which the election is to be held. After its circulation it shall be filed with the secretary of state not less than 90 days before any regular general election at which the question of approval or disapproval of such amendment may be voted upon by the voters of the entire state. The circulation of the petition shall cease on the day the petition is filed with the secretary of state or such other date as may be prescribed for the verification of the number of signatures affixed to the petition, whichever is earliest. The secretary of state shall cause to be published in a newspaper of general circulation, on three separate occasions, in each county in the state, together with any explanatory matter which shall be placed upon the ballot, the entire text of the proposed amendment. If a majority of the voters voting on such question at such election votes disapproval of such amendment, no further action shall be taken on the petition. If a majority of such voters votes approval of such amendment, the secretary of state shall publish and resubmit the question of approval or disapproval to a vote of the voters at the next succeeding general election in the same manner as such question was originally submitted. If a majority of such voters votes disapproval of such amendment, no further action shall be taken on such petition. If a majority

of such voters votes approval of such amendment, it shall , *unless precluded by subsection 5 or 6,* become a part of this constitution upon completion of the canvass of votes by the supreme court.

5. If two or more measures which affect the same section of a statute or of the constitution are finally approved pursuant to this section, or an amendment to the constitution is finally so approved and an amendment proposed by the legislature is ratified which affect the same section, by the voters at the same election:

(a) If all can be given effect without contradiction in substance, each shall be given effect.

(b) If one or more contradict in substance the other or others, the measure which received the largest favorable vote, and any other approved measure compatible with it, shall be given effect. If the one or more measures that contradict in substance the other or others receive the same number of favorable votes, none of the measures that contradict another shall be given effect.

6. If, at the same election as the first approval of a constitutional amendment pursuant to this section, another amendment is finally approved pursuant to this section, or an amendment proposed by the legislature is ratified, which affects the same section of the constitution but is compatible with the amendment given first approval, the secretary of state shall publish and resubmit at the next general election the amendment given first approval as a further amendment to the section as amended by the amendment given final approval or ratified. If the amendment finally approved or ratified contradicts in substance the amendment given first approval, the secretary of state shall not submit the amendment given first approval to the voters again.".

Amend the title of the resolution by deleting the second and third lines and inserting: "Nevada to provide for the resolution of conflicts between certain amendments of statutes and constitutional provisions.".

Amend the summary of the resolution to read as follows:

"Summary—Proposes to amend Nevada constitution to provide for resolution of conflicts between certain amendments of statutes and constitutional provisions. (BDR C-335)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 14.

Resolution read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 176.

Amend the resolution, pages 1 and 2, by deleting lines 1 through 25 on page 1 and lines 1 through 15 on page 2, and inserting:

"RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That sections 6 and 33 of article 4 of the constitution of the State of Nevada be amended to read respectively as follows:

[Sec:] *Sec.* 6. Each House shall judge of the qualifications, elections and returns of its own members, choose its own officers , [(except the President of the Senate),] determine the rules of its proceedings and may punish its members for disorderly conduct, and with the concurrence of two thirds of all the members elected, expel a member.

[Sec:] *Sec.* 33. The members of the Legislature shall receive for their services, a compensation to be fixed by law and paid out of the public treasury, for not to exceed 60 days during any regular session of the legislature and not to exceed 20 days during any special session convened by the governor; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected Provided, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery not exceeding the sum of Sixty dollars for any general or special session to each member . [; and Furthermore Provided, that the Speaker of the Assembly, and Lieutenant Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers receive an additional allowance of two dollars per diem.]

And be it further

RESOLVED, That section 17 of article 5 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec.* 17. A Lieutenant Governor shall be elected [at the same time and places and in the same manner as the Governor] *by the qualified electors and shall be affiliated with the same political party and appear on the same ballot as the Governor,* and his term of Office, and his eligibility, shall also be the same. [He shall be President of the Senate, but shall only have a casting vote therein.] *A vote for the Governor in any election shall be deemed a vote for the Lieutenant Governor.* If during a Vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of the office, or be absent from the State, the President [*pro-tempore*] of the".

Amend the title of the resolution by deleting the third line and inserting: "the same political party, to require that they be elected on the same ballot, to remove the Lieutenant Governor from the position of President of the Senate, and to abolish the additional expense allowance paid to the Speaker of the Assembly and President of the Senate.".

Amend the summary of the resolution to read as follows:

"Summary—Proposes to amend Nevada constitution to require Governor and Lieutenant Governor to be of same political party, to require that they be elected on same ballot, to remove Lieutenant Governor from position of President of Senate, and to abolish additional expense allowance paid to Speaker of Assembly and President of Senate. (BDR C-1009)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Assemblyman Giunchigliani moved that Assembly Joint Resolution No. 14 be re-referred to the Committee on Elections and Procedures.

Motion carried.

Resolution ordered reprinted, engrossed and to the Committee on Elections and Procedures.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 11:38 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Harrington, Humke, Nolan, Schneider, Steel, Chowning, Carpenter, Close, Marvel, Lambert, Bennett, Tripple, Monaghan, Fettic, Allard and Stroth:

Assembly Bill No. 492—An Act relating to education; requiring school districts to contract with privately owned businesses for the provision of certain services; providing governmental immunity for certain acts or omissions relating to the provision of such services; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Education.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 205.

Bill read third time.

Remarks by Assemblymen Spitler, Lambert, Carpenter, Batten, Evans and Close.

Assemblymen Ernaut, Marvel and Anderson moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 205.

Roll call on Assembly Bill No. 205:

YEAS—30.

NAYS—Bennett, Braunlin, Carpenter, Close, Ernaut, Harrington, Lambert, Sandoval, Stroth, Tiffany, Mr. Speaker Hettrick—11.

Absent—Arberry.

Assembly Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 387.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 271.

Amend sec. 2, page 2, line 40, by deleting "1995," and inserting "1998,".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 41.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Senate Bill No. 41:

YEAS—40.

NAYS—Carpenter.

Absent—Arberry.

Senate Bill No. 41 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 46.

Bill read third time.

Remarks by Assemblymen Sandoval, Freeman, Anderson, Carpenter, Bennett and Giunchigliani.

Roll call on Senate Bill No. 46:

YEAS—41.

NAYS—None.

Absent—Arberry.

Senate Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 65.

Bill read third time.

Remarks by Assemblymen Goldwater, Giunchigliani and Chowning.

Roll call on Senate Bill No. 65:

YEAS—40.

NAYS—Manendo.

Absent—Arberry.

Senate Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 66.

Bill read third time.

Remarks by Assemblymen de Braga, Freeman and Anderson.

Roll call on Senate Bill No. 66:

YEAS—41.

NAYS—None.

Absent—Arberry.

Senate Bill No. 66 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 4.

Resolution read third time.

Remarks by Assemblyman Williams.

Roll call on Senate Joint Resolution No. 4:

YEAS—40.

NAYS—de Braga.

Absent—Arberry.

Senate Joint Resolution No. 4 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 14.

The following Senate amendment was read:

Amendment No. 165.

Amend section 1, page 1, by deleting lines 8 through 12 and inserting:

"2. *The commission shall deposit gifts or donations of money and any money acquired from selling or leasing the items described in subsection 1 in the trust fund for the Comstock historic district which is hereby created in the state treasury. The fund must be administered by the commission. Any interest earned on the money in the fund must be credited to the fund. The money deposited in the fund and all interest paid thereon may be expended only for the*".

Amend the title of the bill to read as follows:

"An Act relating to historic districts; creating the trust fund for the Comstock historic district; requiring money acquired from certain gifts or donations and the sale or rental of property to be deposited in the fund; authorizing the expenditure of money in the fund for certain purposes; and providing other matters properly relating thereto.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 14.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 145.

The following Senate amendment was read:

Amendment No. 179.

Amend the bill as a whole by deleting sections 1 through 3 and renumbering sec. 4 as section 1.

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

"An Act relating to local financial administration; increasing the amount of claims for certain refunds from the county treasury for which a board of county commissioners may delegate its".

Amend the summary of the bill to read as follows:

"Summary—Increases amount of certain claims for refunds for which board of county commissioners may delegate its authority to approve. (BDR 31-364)".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 145.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 27.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 13, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 21.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 21.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel and Dini.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MARVEL:

Thank you, very much, Mr. Speaker. As the resolution noted, former Senator John Fransway was truly a statesman for the State of Nevada. I had the pleasure of knowing John, in fact I was a constituent of his for several years while he served in the Senate, and I can tell you that whatever John Fransway did, he did well. As noted in the resolution, his physical handicap did not deter him from his activities. And as it was noted also, he was the second pilot in the United States to be issued a license as an amputee.

But more than that, he served the judiciary on the local level; worked his way to the state Senate where he served for 12 years and was very instrumental in establishing our school of medicine on the Reno campus. Of course, at that time it was a very controversial issue, but his vote prevailed and now the family can be proud that the school is one of the finest medical institutions in the United States.

After leaving the Senate, John was one of the first to chair the Environmental Commission which helped the people in southern Nevada establish high water quality. That was to everyone's best interest.

I certainly want to convey our condolences to the family, especially his son who is with us today. I'm sorry his widow isn't with us. I would like to say that Nevada has truly lost one of its finest citizens.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. Members of the Assembly, I had the privilege of serving with John for three sessions: 1967, 1969 and 1971. He was really a true leader. He was on Senate Finance and you want to ask tough questions? He was the champion of tough questions on Senate Finance. You hated to go down there and testify. But, he was really interested in the issues statewide. It was not just rural county issues. He was a statewide leader and he was a real rival of former Governor O'Callaghan. There was a cartoon in the paper one day about this Governor chasing a guy with one arm down the hall, beating him up with his artificial leg. Governor O'Callaghan, of course, had an artificial leg. It was about a real battle they were having in Senate Finance over an issue that the Governor wanted and John was the key vote. I think that John had made some public statements, but Mike and he became great friends.

John was an excellent pilot, by the way. He flew all over the State of Nevada. He was just a real, fine gentlemen. He never crossed any of us. He would tell you right up front what he was going to do and why he had to do it.

Governor O'Callaghan appointed him to the Environmental Commission as chairman, and he really was responsible for the beginning of that commission because it was in its infancy when he took it over. He did an excellent job and developed the regulations.

He moved down to southern Nevada and lived at Lake Mead. He'll really be missed by this state because he was an outstanding man.

Resolution adopted.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Elana Lee Graham.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Wooster High School: Enrioje Arreygue, Rhiannon Bailey, Michael Brooks, Michelle Coyne, Ben Hart, Daniel Jenks, Mark Jewell, Ralph McCoy, Margarito Moran, Lisa Naumann-Gallues, Ben Nightingale, Jennifer Wada, Tara Whitney, Adrienne Wonhof, Jenny Straits, Jamie Hull, Stacey Oh and Katherine Campos; teacher Ms. Fleischer.

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Bob and Lorna Woolheater.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Mansel Phillips.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Edward and Judy Harris.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Caroline Ellen Graham and the following members of the Utility Shareholders Association of Nevada: Mr. and Mrs. Aubrey Allen, Mr. Klaus Bachenheimer, Mr. and Mrs. Donald Barry, Mr. Richard Basile, Mr. and Mrs. Cornelius Borgman, Ms.

Joanne Botsford, Ms. Audrey Brooks, Mrs. Kay Brown, Chris Burmer, Mr. Barney Burns, Mr. James Cain, Mr. Joseph Castillo, Mr. and Mrs. Franklyn Coleman, Mr. Richard Colon, Mr. and Mrs. Herb Coval, Mrs. Florence Daily, Mr. and Mrs. Paul Dierlam, Mr. and Mrs. Pete Gavazzi, Mr. John Glimmerveen, Mrs. Marjorie Hanes, Mr. and Mrs. Donald Hanson, Mr. and Mrs. Thomas Hoffer, Ms. Stephanie Johnson, Mr. and Mrs. Malcolm Johnson, Mr. and Mrs. Boyce Layton, Mr. and Mrs. Harry Linnecke, Mr. and Mrs. Fred Lohse, Mr. and Mrs. Tom Macaulay, Ms. Elaine MacKenzie, Mrs. Marga Makabe, Mr. and Mrs. Vincent Manfredi, Mrs. Margaret Manos, Ms. Sophie Meyers, Ms. Helen Munholand, Mr. and Mrs. Dave Nicholas, Mr. and Mrs. Kirk Odencrantz, Mr. and Mrs. Justin Olin, Mr. Albert Oliver, Mr. and Mrs. Robert Pease, Mr. Donald Peckham, Ms. Lucille Petty, Mr. and Mrs. Ray Pidlypchak, Mr. and Mrs. Freddie Rasch, Ms. Constance Reese, Ms. Cornelia Rhodes, Mr. and Mrs. Joe Robertson, Ms. Lois Robinson, Mrs. Josie Schneider, Mr. and Mrs. James Simms, Mr. and Mrs. Frank Spoonamore, Mr. Richard Sutherland, Mr. and Mrs. Charles Swenson, Mr. and Mrs. Clayson Trigero, Mr. and Mrs. Ernest Twiss, Mr. and Mrs. Jack Waite, Mr. Perry Whitt, Mr. Vern Willis, Mrs. Ethel Wright, Mrs. Mary Jo Yeargin and Mr. Ron Zideck.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to Rita Isner.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Ted and Barbara Garland.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Ellen Harrington and Laura Diane Harrington.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Turner Wellington Graham.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Twana Holly.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothy Blakey, Henry Hauptfuhrer and the following students of Nancy Gomes Elementary School: Melissa Armao, Andrea Baichtel, Justin Carter, Stacey Chase, Daniel Devine, Paul Disney, Angie DuFresne, Cameron Dyer, Stephanie Hampton, Krista Hand, Ryan Haugen, Kortney Herrold, Darlena Hollenbaugh, Robert Holman, Adina Klymman, Michelle Lane, Karen Lindeman, Jeff McArthur, Melinda Payne, Carly Sweder, Katie Walls, Sarak Allgaier, Adam Bartlett, Mandi Biank, Daniel Bond, Ryan Brown, Christina Burdick, Aaron Dessing, Ricky Dubuc, Darrell Green, Kenny Hayes, Tiffany Hayes, Amanda Hibner, Angela Highsmith, Erin Holst, Sonja Jackson, Mark Kahl, Chelsey Macaulay, Eric Maddox, Jason Odneal, Jessica Reale, Colt Stewart, Charlie Walls, Kayla Willbanks and Angela Woller; teachers Mike Everson, Don Robinson and Mike Vasquez; chaperones Barbara Brown, Connie Foster and Carrie Stone.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Fransway and Coe Swobe.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Archie Hooper and the following students of Brookfield Elementary School: Rex Barton, Ian Hager, Michelle McDorman, Tina Marshall, John David Stanley, Jeremy Slinger, Adam Fout, Philip Chrystal, Bobbi Goff, Danielle Hernandez, Miranda Johnson, Sophie Karadanis, Ben Lipnisky, Cyrus Luciano, Jenny Terhune, Austin Krissoff and Michael Marent; teacher Helen Summers; chaperones Mrs. Sandy Goff, Mrs. Nancy Karadanis, Mrs. McDorman, Mrs. Lipnisky and Mrs. Terhune.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Larry Laune, Aaron Liggett, Austin Liggett and Carl Segerblom.

On request of Assemblyman Steel, the privilege of the floor of the Assembly Chamber for this day was extended to Gus and Rose Seifermann.

On request of Assemblyman Stroth, the privilege of the floor of the Assembly Chamber for this day was extended to Luana Elaine Graham.

Assemblyman Ernaut moved that the Assembly adjourn until Monday, April 17, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:47 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINETY-SECOND DAY

CARSON CITY (Monday), April 17, 1995

Assembly called to order at 11:09 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, The Reverend Ruth Hanusa.

O Lord, our God: You have commanded the light to shine out of darkness, and You have again brought us to a new day to praise Your goodness and ask for Your gifts. Make us to be people of the light and of the day. Remember, O Lord, all those who stand in need of Your help and comfort, and enable us to be instruments of Your help and mercy. In Your Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Stroth and Bache as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative John Ensign.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 13, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 11, 26, 63, 298, 325, 337.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 272, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 1, 2, 3, 4, 5, 6, 7.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 367.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 134, 220, 229.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 7.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 7.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Assemblyman Marvel moved that Assembly Bill No. 387 be placed at the bottom of the General File.

Remarks by Assemblyman Marvel.

Motion carried.

The President of the Senate, the President pro Tempore of the Senate and Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:19 a.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Rawson, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present except Assemblyman Arberry, who was excused.

The Speaker of the Assembly welcomed the Constitutional Officers to the Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator Lowden and Assemblyman Tiffany to wait upon Representative Ensign and escort him to the Assembly Chamber.

The Committee on Escort in company with The Honorable John Ensign, United States Representative for Nevada appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Ensign and invited him to deliver his message.

Representative Ensign delivered his message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA

SIXTY-EIGHTH SESSION, 1995

Thank you, Lieutenant Governor Hammargren, Majority Leader Raggio, Speakers Dini and Hettrick. It is truly an honor to be here. I don't think there was anyone more surprised than me to be here today. As of a little bit before the election, it didn't look so good for me being here.

Having served these last three months in Washington, I can say without a doubt, and truly a surprise, what an honor it is to serve in the United States House of Representatives, just as it is for you to serve here. It's truly an honor and privilege that Nevadans have given us, but also an awesome responsibility that we have.

Over the last 100 days, we have accomplished a lot in Congress. As I was driving from Reno to Carson City today, I was driving down the hill and remembered I used to take my bicycle over that hill coming in from Bowers' Mansion. I saw the place where my first job was when I was in the fourth grade. I had the job of taking out the trash in a bar. I received a quarter every time I took the trash out. It just reminded me of what a great state we live in. Having lived in both the north and south, I think this is one of the greatest states in the entire Union. I'm just proud to be from our state and proud to be representing our state back in Washington.

In the first 100 days, we have passed what I think is very significant legislation. We passed the Balanced Budget Amendment and were only one vote short in the Senate. We passed tort reform and we even passed the unfunded mandate legislation. I think for those of you here that is very significant. My challenge to you now is to pass an unfunded mandate legislation that says the state will not pass unfunded mandates on to the local and county governments. We also passed a law that makes all the laws that apply to everyone else apply to Congress, which was passed almost unanimously in the House and the Senate. We passed what I consider a very significant welfare reform bill that will give all of you who we think can govern better at the local and state level a chance to do it right. We also had the first ever vote on term limits in the House of Representatives.

The most important part of the contract, in my opinion, is not any of the individual pieces of the Contract with America. The most important part is that we actually did what we said we were going to do. For all levels of government, it is credibly important in a democracy that the electors have faith in their elected officials. I think this was just the first step in bringing that faith back to the American people. I think it will bode well not only for people in Washington, but at all levels of government.

In Congress, we have proven with the Contract with America that we are different from typical politicians. We are keeping our commitments and we are creating real change. Working together with the American people, we have made history in the first 100 days. Now we have an opportunity to renew America by setting new goals and exceeding them by transforming our approach to government so we have a safer and more prosperous America. This level of transformation, however, will require a new dialogue leading to a new partnership. Such a new dialogue and new partnership can only grow out of a clearly stated vision and a comprehensive set of goals.

What is our plan to create a safe and prosperous future for our generation, our children and grandchildren? House members are proposing the most significant change in American government since 1933. This change involves $11.7 trillion over the next seven years, the fundamental direction of the American society and the lives of over 260,000,000 Americans. The coming session is not just about the budget; it's about America's future; it's about doing the right thing. It's about an opportunity to create the potential for prosperity, safety and a better life for virtually every American. It will take hard systemic work and real change, but it can be done. It will improve our lives and our children's lives.

In 1995, we are at a crossroads. America has been in similar situations before and has always risen to the challenge. In 1933, facing 25 percent unemployment, Franklin D. Roosevelt said, "We have nothing to fear but fear itself." In 1981, Ronald Reagan, facing 13 percent inflation, 22 percent interest rates and the Iranian hostage crisis remarked, "We have every right to dream heroic dreams." The crisis we are facing today requires our best effort and our willingness to believe in ourselves and the capacity to perform great deeds; to believe that together with God's help we can and will resolve the problems that now confront us. After all, why shouldn't we believe that? We are Americans. After all, why shouldn't we believe that? We are Nevadans.

The question remains, how can we overcome our modern day challenges? Through five key steps:

1. By creating an opportunity society out of a welfare state.
2. By decentralizing and privatizing American government.
3. By reestablishing America's competitiveness in the world market by reducing taxes, litigation and regulations.
4. By leading the world's transformation into an information age society.
5. By balancing the budget and solving the financial crisis in Social Security and Medicare.

If we fulfill our destiny, we will achieve every willing person integrated into the work force; a healthy environment managed through sound science and common sense; opportunities in learning; health and jobs to the poorest rural and intercity neighborhoods. Government will be lean; customer responses and effective job opportunities for every American; low taxes so incomes translate into strong take-home pay; and a regularly balanced federal budget.

All around us, we have living proof in America that we can succeed in the 21st century. All around us, scientists and entrepreneurs are inventing a better future. All around us, corporations are rethinking and reengineering to produce more, better and faster with fewer resources. They are using the principles that people such as Edward Deming has been espousing for years known as, "Total Quality Management." All around us in the private sector, private citizens are changing, adapting and improving. The Federal Government is the least changed and least improved institution in America. We know we can have a leaner, better and more effective government that does more and serves the people better with fewer resources.

The first strategic improvement involves maintaining compassion which will require replacing the welfare state with an opportunity society. Let me say, we need to redefine compassion. A classmate of mine, J. C. Watts of Oklahoma said, "We need to redefine the word compassion." Instead of how many people are we putting on welfare and into public housing, how many people are we getting off welfare and out of public housing into their own homes? Our welfare system is a failed model. It actually hurts the poor. Its failure is reflected by the violence, brutality and child abuse on every broadcast news hour. The cultural violence increasingly permeates our entertainment and denigrates our civilization.

The nonworking, nonproductive part of our society is a factor in the deficit and declining American competitiveness in the world markets. When I grew up in Carson City and Reno, shortly after my parents divorced, my mother was a single mom who had three children and worked at Harrah's Reno carrying change. At that time, we had no child support and lived with another family who also had three children, and I saw her each and every day get up and go to work. What that communicated to me was the work ethics which we have lost to a degree in this country. Welfare recipients' children are robbed of that opportunity in our society, to see their parents go to work on a daily basis.

Poor Americans are trapped in unsafe housing. They maintain unsafe neighborhoods saddled with rules that are anti-poverty, anti-work and anti-family. They are forced to have their children attend public schools that are monopolies and cost a lot, but accomplish little. In the name of compassion, we have funded a system which destroys families. And as Newt Gingrich said, "No civilization can survive with 12-year-olds having babies; 15-year-olds killing each other; 17-year-olds dying of AIDS; 18-year-olds receiving diplomas they can't even read; and furthermore, no civilization can survive where their parents and grandparents are refusing to balance their budgets." The welfare state cheats the poor; an unbalanced budget cheats every single child in this country.

What is the legacy we are leaving our children? Moral and physical bankruptcy. I believe the program for a better American future begins with replacing the welfare state with an opportunity society. A transformation which emphasizes welfare reform that encourages work, family and opportunity; tax incentives for work, investments and entrepreneurship; reestablishing property ownership; learning as the focus of education; shifting federal funding to local and state officials who know better how to spend the money.

The second strategic improvement involves restoring freedom by ending centralized bureaucratic micromanagement from Washington. The current centralized Washington-based system of micromanagement has failed. What works here in Carson City doesn't necessarily work in New York City and vice versa. Reforms that emphasize decentralization from Washington and return authority to the state and local governments, and a general rule for decision making should be local problems. Local government is best, and whenever possible, private sector is better than local government.

When rethinking the Federal Government, we must ask, "Can a private for profit business achieve the same goal as well or better than government, and if government is the best place to do it can it be done at the state or local level? Have we thought through the least expensive, most citizen-oriented, most entrepreneurial way to do it with maximum satisfaction and minimum resources?" Rethinking the Federal Government isn't a matter of partisanship. It doesn't matter whether you're a Democrat or a Republican. It is a matter of what works and what doesn't, and let me take some time right now to praise our Vice President Al Gore for his reinventing government. I like a lot of the things that he has

done. He came and spoke to us as Republicans. Newt Gingrich invited him over and I like a lot of what he is doing. He made, I think, one critical flaw in his first question, "How can we make government work better and more efficiently?" His second question that he is now embarking upon is, "What should, and what shouldn't government be doing?" The critical flaw that I think he had, and it is not that it is not correctable now, but I think he should have made those reverse priorities. We should first say, "What should and what shouldn't government be doing?" And once we have answered that, let's improve and find out how we can do what government should be doing to make it do it better.

The third strategic improvement involves promoting economic growth, jobs, prosperity by reducing taxes, litigation, and regulation. The American economy needs to grow with an increasingly competitive world market. The middle class keeps getting squeezed. Today most families are working harder, but not getting ahead. Couples take on second jobs, not to support themselves, but to pay for government taxes, and this just isn't right. Creating more effective government that needs fewer resources will allow us to lower taxes and increase take-home pay for working middle class families. You know the average American family today pays more in taxes than they pay for food, clothing and shelter combined? Reengineering government to cut out waste, lower costs, increased productivity and increased quality will also allow us to lower taxes on entrepreneurs and inventors so we can create more economic growth. A one percent increase in our GDP caused by sound economic principles as opposed to a one percent decrease in GDP will have profound effects.

Let me give you examples. At one percent growth in GDP over the next seven years, we will receive $1.4 trillion more in federal tax revenues. Just a one percent increase in GDP. We will also receive or have $1.3 trillion in federal debt. The average American person will have $19,000 more in income over seven years, which is a one percent increase in the federal GDP. At one percent decrease in the GDP from current projections, Social Security goes into default 13 years earlier than now projected. That would be the year 2016. The federal deficit will be $640 billion larger, and individuals will have over $9,000 less in income over those same years. You see it all of the time. These are just business cycles, we can't help recessions, we can't help the GDP no matter what you do in Washington.

Well, over the last 18 years in Japan, they haven't had a single recession. They have averaged a 4.2 percent annual growth rate and a 3.6 percent annual personal income growth. Let's compare that with America's performance over the same time period. We have had three recessions during that same time period. We have had a 2.6 percent annual growth rate and only a one percent annual personal income increase. Imagine if America had matched the Japanese in economic growth over the same period of time. Per capita increased income would be $9,000 higher. The federal budget deficit, actually it wouldn't be a deficit, it would be $207 billion in surplus per year instead of the $200 billion deficit we now have. How do we reverse our trend? Greater American competitiveness and increased economic growth requires a tax code that favors work, savings, and investment. Less litigation; lean and effective bureaucracies; sensible government investments; infrastructure; more aggressive U.S. Government support of exports, and more effective enforcement of trade agreements.

The fourth strategic improvement—creating opportunity by leading the transformation to a third wave information age society. What this means, if we look historically, we went from an age of going from hunters and gatherers into the agricultural age and then we went from the agricultural age into the industrial age. Now, we are going from the industrial age into the information age. In the information age, we will have opportunities in a wide range of areas in computers; in worldwide electronics; molecular medicine; breakthroughs in material technology. We see the Information Superhighway, and it is being developed on its own. The government wants to take that over and if they do, they will ruin it.

To give you an example of how government can mess up this information age, let's look at high definition television. America was leading the world in bringing this technology to the market place. We had five companies competing against each other and they were bringing this right to our market place. It would be here today if American government

had left it alone. But instead, our national government, and this was under a Republican administration, decided the Japanese government was getting involved with it and we needed to be involved with it as well. So, we got together and decided to set up a standard and get the companies together and let them work together. And instead of working competitively against each other to bring the best product to market, they are trying to get together and virtually no progress has now been made on high density television.

We have to be very careful that we encourage the information age instead of discouraging it. Can you imagine if our government could meet the standards that private industry has set? And how much we could improve services, reduce spending, reduce taxes and balance the budget with an approach like private industry has? In a successful 21st century government, we can replace the wasteful bureaucracies of today with programs that serve citizens and save tax dollars. Among the proposals that are being considered in Washington are merging of the Departments of Education and Labor. That will save over $4 billion every year. Eliminating HUD will save up to $15 billion over five years. Eliminating the Department of Energy will save up to $20 billion over five years.

I am actually on that task force because the Department of Energy is fairly important to our state. I am there to make sure that we don't get hurt when we eliminate the Department of Energy. But there is so much waste, incredible waste and inefficiency in that department, that we know we can eliminate it at the cabinet level.

The fifth strategic improvement—creating a safe future for our children and ourselves by balancing the budget and saving Medicare and Social Security. What I am about to tell you is probably the biggest part of what is going to happen during this summer and maybe in the next 10 years, because the budget deficit combined with baby boomers coming into retirement will cause a crisis of historic proportions unless the problem is honestly faced and managed well in advance.

So, what is the solution? It's obviously a balanced budget. Federal Reserve chairman, Alan Greenspan, remarked what a balanced budget would mean for Americans. He said the real incomes and purchasing power of the real incomes would significantly improve. They would look forward to their children doing better than they.

One recent estimate is that a balanced budget would produce two percent lower interest rates; a two percent lower interest rate on your car, on your mortgage, on your credit cards; a two percent lower interest rate on building a new factory, on keeping a family farm in the family. This is the balanced budget dividend. While two percent may not sound like much, it adds up to a lot of money over a lifetime. Two percent on a 30-year mortgage means, for instance, on a $75,000 home with an 8¾ percent interest rate, you would pay an extra $3,700 a year. For a six-month, $350,000 loan for a farm, you would pay an extra $4,000 with a two percent higher interest rate. What does it mean on a federal level if we have a two percent lower interest rate? It will mean the creation of 6.1 million jobs in 10 years. It will increase per capita income by 16 percent. It will generate $235,000,000 more revenue for the Federal Government, annually without a tax increase. It will generate $232,000,000 more revenue for state and local governments without a tax increase.

And, now Medicare. Fact: the imminent in Medicare funding is real and unavoidable. I am on the Health Care Subcommittee and we had meetings right before we adjourned. Medicare is broke. It actually starts paying out more money than it takes in in the year 1996. The Medicare Trust Fund will be bankrupt in the year 2002. And all of the "quick fixes" for Medicare have already been tried. They have been extending when the Medicare Trust Fund goes broke, but we can no longer raise the earnings cap. We can no longer increase the premiums because the protected premium increases are tripled. As far as employer contributions, they go up by five to six times, so we can no longer do that. What do we have to do with Medicare? We have to completely transform it. We need to bring in private sector reforms so that we can insure choices to older Americans and preserve Medicare for the baby boomers who are getting ready to retire, and also so that it will be there for our children some day when they retire. If we don't save Medicare now, it is gone for the people who are on it now as well as for the people who are going to be going on it in the future.

The crisis we are facing in Medicare actually dwarfs the crisis that we will be facing with Social Security. When the baby boomers begin to retire, they will put enormous pressure on the federal budget. In the year 2013, Social Security spending will exceed the taxes that workers are paying into the system, and in the year 2030 the Social Security Trust Fund will be broke. Faced with combined deficits on this gigantic scale, the politicians of 2013 will have only four choices.

One is ruthless spending cuts of unprecedented depths, massive tax increases, tremendous cuts in Social Security benefits or fiscal crisis leading to massive inflation. So, what do we do to avoid this economic catastrophe? We must implement five strategic improvements. Let me repeat them. We must replace the welfare state. We must end central bureaucratic Washington government. We must reduce taxes and spending. We must lead the transformation into the information age society, and we must balance the budget and solve the crisis in Medicare and Social Security.

All of the world's children rely on American leadership for a safe, free and prosperous future. There is no alternative leader. We are it. The alternative to a strong America is a dark and bloody planet—Bosnia, Somalia, Ruwanda, Haiti, Chechnya. For our children's sake, our country's sake and the world's sake, we must wrest control from those who refuse to take responsibility. We must insist on a plan to create a safe and prosperous future for our children and for our own retirement years.

If we fulfill our destiny, the bleak economic scenario I outlined can be converted to this: every willing person will be brought into the work force; a healthy environment managed through sound science opportunities and learning; health and jobs to the poorest communities. Government will be lean, customer responsive and effective. America will still have the best health system in the world. There will be job opportunities for every American; low taxes so that incomes translate into good take-home pay and a regularly balanced federal budget. The time for cheating our children has ended. The time to balance the budget has arrived. America's future requires a new dialogue; a new partnership with the American people. That is what we are elected to do and to achieve, and that is what we are going to do and achieve. I thank you for your time.

Senator Augustine moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Ensign for his timely, able and constructive message.

Motion carried.

The Committee on Escort escorted the Representative to the bar of the Assembly.

Assemblyman Segerblom moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:55 a.m.

ASSEMBLY IN SESSION

At 11:59 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 493—An Act relating to private postsecondary education; establishing an account for student indemnification in the state general fund; specifying the authorized uses of money in the account; imposing a fee

on private postsecondary educational institutions; revising provisions governing tuition refunds and bonding requirements; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 494—An Act relating to education; increasing the maximum allowable ratio of pupils to teachers in kindergarten and grades 1, 2 and 3; establishing a maximum allowable ratio of pupils to teachers in grades 4, 5 and 6; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By Assemblymen Price, Anderson, Perkins, Williams, Harrington, Braunlin, Steel, Fettic, Goldwater, Ohrenschall, Nolan, Krenzer, Tripple, Monaghan, Lambert, Sandoval, Buckley, Spitler, Chowning, Humke, Batten, Stroth, Ernaut, Hettrick, Tiffany, Giunchigliani, Bache, Segerblom, Neighbors, Manendo, Schneider, Close, Brower, Allard, Evans, de Braga, Dini, Marvel, Bennett, Carpenter and Freeman:

Assembly Bill No. 495—An Act relating to meetings of public bodies; expressly authorizing any member of a public body to cause the placement of an item on the agenda for a meeting of that body; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 134.

Assemblyman Ernaut moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 220.

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

Motion carried.

Senate Bill No. 229.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 367.

Assemblyman Ernaut moved that all rules be suspended, reading so far had considered second reading, rules further suspended, bill declared an

emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Ernaut.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 34.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 80.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 93.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 266.

Amend section 1, pages 1 and 2, by deleting lines 19 through 21 on page 1 and lines 1 through 3 on page 2, and inserting: "*unless the offender agrees in writing that he will complete the entire program of treatment. Of those offenders who make such an agreement, the director shall when assigning offenders to the program, to the extent possible, give preference to those offenders who appear to the director capable of successfully completing the entire program.*".

Amend sec. 1, page 2, between lines 12 and 13, by inserting:

"*6. As used in this section, "entire program" means both phases of the program established pursuant to NRS 209.425, for offenders who have not been released from prison, and NRS 209.429, for offenders who have been assigned to the custody of the division of parole and probation of the department of motor vehicles and public safety.*".

Amend sec. 2, page 2, by deleting lines 27 and 28 and inserting:

"*(c) The director believes that the offender will be able to:*".

Amend sec. 2, page 2, between lines 32 and 33, by inserting:

"*If an offender assigned to the program of treatment pursuant to subsection 3 of NRS 209.427, completes the initial phase of the program and thereafter refuses to enter the remainder of the program of treatment pursuant to this section, the offender forfeits all or part of the credits for good behavior earned by him before this refusal, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender, and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.*

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he must submit to the division a signed document stating that:

(a) He will comply with the terms or conditions of his residential confinement; and

(b) If he fails to comply with the terms or conditions of his residential confinement and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.".

Amend sec. 2, page 2, line 33, by deleting "2." and inserting "3.".

Amend sec. 2, page 2, line 45, by deleting "3." and inserting "4.".

Amend sec. 2, page 3, line 6, by deleting "4." and inserting "5.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblymen Humke and Dini.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 228.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblymen Buckley, Carpenter and Giunchigliani.

Assemblyman Giunchigliani moved that Assembly Bill No. 132 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 178.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 178:

YEAS—41.

NAYS—None.

Absent—Arberry.

Assembly Bill No. 178 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 387.

Bill read third time.

Remarks by Assemblymen Marvel, Anderson and Lambert.

Roll call on Assembly Bill No. 387:

YEAS—39.

NAYS—Schneider.

Absent—Arberry.

Not voting—Spitler.

Assembly Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 367.

Bill read third time.

Remarks by Assemblymen Ernaut, Monaghan and de Braga.

Roll call on Senate Bill No. 367:
YEAS—41.
NAYS—None.
Absent—Arberry.

Senate Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Close moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:30 p.m.

ASSEMBLY IN SESSION

At 12:32 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Close moved that Assembly Resolution No. 5 be taken from the Chief Clerk's desk and re-referred to the Committee on Elections and Procedures.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 183, 233, 235, 263, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Vice Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 256, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN EVANS, *Vice Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 71, 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN EVANS, *Vice Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 14, 145; Senate Bill No. 137.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Scott A. Lewis.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Kelderman.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to JoAnn Williams and Barbara Vann-Brown.

Assemblyman Ernaut moved that the Assembly adjourn until Tuesday, April 18, 1995 at 10 a.m.

Motion carried.

Assembly adjourned at 12:39 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINETY-THIRD DAY

CARSON CITY (Tuesday), April 18, 1995

Assembly called to order at 10:11 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblymen Arberry and Close, who were excused.

Prayer by the Chaplain, The Reverend Stan Pesis.

O Lord, we experience many false claims in our lives and work, but we seek that which is true and durable. So, set our corners that we may always reflect Your passion for justice and mercy. We continue to ask You to watch over and protect Gaye Close. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 270, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN MONAGHAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 109, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 327, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Assembly Bill No. 412; Senate Joint Resolution No. 2, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 114, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 17, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 205.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 5.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5.

Assemblyman Perkins moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 496—An Act relating to state land; revising certain fees of the state land registrar for the use of state land; expanding the authority of the state land registrar to waive fees for the use of state land; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 205.

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

Motion carried.

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

Assembly in recess at 10:16 a.m.

ASSEMBLY IN SESSION

At 10:17 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Rule No. 14 of the Joint Rules of the Senate and Assembly be suspended and that a resolution (BDR R-1993), requested by the Committee on Elections and Procedures, be introduced by individual assemblymen.

Remarks by Assemblyman Perkins.

The motion having received a Constitutional majority, Mr. Speaker declared it carried.

By Assemblymen Dini, Hettrick, Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams:

Assembly Joint Resolution No. 30—Urging Congress to give consideration to readiness of Republic of China on Taiwan for broader participation in international community including United Nations and multilateral trade associations and humanitarian relief organizations.

Assemblyman Giunchigliani moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Evans, Freeman, Neighbors, Fettic, Anderson, Chowning, Price, Dini, Spitler, Segerblom, Goldwater, Manendo, Ohrenschall, Carpenter, Monaghan, Williams, Tripple, Perkins, de Braga, Schneider, Bache and Marvel:

Assembly Bill No. 497—An Act relating to professional counselors; providing for the licensing and regulation of professional counselors; creating the board of professional counseling examiners; prescribing the powers and duties of the board; providing penalties; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 71.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 288.

Amend section 1, page 1, line 3, by deleting "*$50,000*" and inserting "*$40,000*".

Amend section 1, page 1, line 6, by deleting "$30,000." and inserting "$20,000.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 183.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 233.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 235.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 263.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 426.
Bill read second time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 289.
Amend section 1, page 1, line 3, by deleting "$4,500" and inserting "$3,150".
Assemblyman Marvel moved the adoption of the amendment.
Remarks by Assemblyman Marvel.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 34.
Bill read third time.
Remarks by Assemblyman Evans.
Roll call on Assembly Bill No. 34:
YEAS—40.
NAYS—None.
Absent—Arberry, Close—2.

Assembly Bill No. 34 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 80.
Bill read third time.
Remarks by Assemblymen Segerblom, Carpenter, Lambert and Marvel.
Roll call on Assembly Bill No. 80:
YEAS—39.
NAYS—Harrington.
Absent—Arberry, Close—2.

Assembly Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 256.
Bill read third time.
Remarks by Assemblymen Manendo and Ohrenschall.
Roll call on Assembly Bill No. 256:
YEAS—40.
NAYS—None.
Absent—Arberry, Close—2.

Assembly Bill No. 256 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 13.

Resolution read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Joint Resolution No. 13:

YEAS—40.

NAYS—None.

Absent—Arberry, Close—2.

Assembly Joint Resolution No. 13 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Humke moved that Senate Bill No. 228 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 283, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 272.

The following Senate amendment was read:

Amendment No. 222.

Amend sec. 3, page 2, line 44, by deleting "May" and inserting "[May] *April*".

Assemblyman Marvel moved that the Assembly concur in the Senate amendment to Assembly Bill No. 272.

Remarks by Assemblyman Marvel.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 11, 26, 63, 298, 325, 337; Assembly Joint Resolutions Nos. 1, 2, 3, 4, 5, 6, 7; Senate Bill No. 46; Senate Joint Resolution No. 4; Senate Concurrent Resolution No. 21.

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

Assembly in recess at 10:39 a.m.

ASSEMBLY IN SESSION

At 11:02 a.m.
Mr. Speaker presiding.
Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following remarks by Benjamin T. Y. Lo, Director General, Taipei Economic and Cultural Office, Taiwan, Republic of China be entered in the Journal.

Thank you, Mr. Speaker, distinguished members of the Assembly, ladies and gentlemen. I think it is definitely a privilege and honor for me to be able to stand before you and say a few words.

I came to United States last year knowing that the State of Nevada is the sister state of the Province of Taiwan. I tried to call on you early, actually August of last year, unfortunately you were not in session. I was only able to see and meet with your staff members. They were very friendly and attentive to me.

In talking about the State of Nevada, I think Speaker Hettrick mentioned that the State of Nevada is the sister state of the Province of Taiwan, and that was done in October, 1985. In other words, it will be the tenth anniversary in the upcoming October. I, as one working for the government of the Republic of China in Taiwan, representing the interests of the Province of Taiwan, and also here in this part of the United States, certainly will be more than happy, with your permission, to propose that something should be worked out to celebrate the tenth anniversary of the sisterhood.

This morning, being very much privileged to sit with Speaker Hettrick to observe these smooth proceedings of your Assembly, I must confess it was not only informative, but it was educational to me. I see the Assembly members of the two parties working wholeheartedly for the interest and benefit of this state. I certainly would urge the assemblymen of the Province of Taiwan to come to Nevada to observe the proceedings here. As you probably see, our representatives occasionally have some quarrels, fistfighting sometimes.

Let me say, ladies and gentlemen, we consider this as a transitional period towards a full democracy. China is an old country, but democracy, even in the Republic of China, the furthest republic in Asia, is still very young. We are still learning. I should inform you that we recently had the election of the Governor of the Province of Taiwan, the Mayors of the cities of Taipei and Kao-Hsiung. We will have a direct election of our President next March. By that time, we would have those and other heads of government directly elected by our people. So, please excuse those fistfights in our Assembly halls. Hopefully, it will be over soon, and we will be a real democratic country by that time. As I have said, we have found some political reform, and we also have a friendlier name given to us by foreigners called, "Taiwan Miracle."

Let me briefly share some figures with you. For our land, we are only 14,000 square miles, very small. Approximately one-eighth the size of the State of Nevada. But, our population is 21,000,000, approximately 10 times that of your state. If you put that together, our population density is approximately 80 times that of yours. We therefore, have to make good use of every inch of the land. After strenuous efforts by our government and our people over the last four decades, we were able to have a projected income of $12,000 in U.S. dollars last year. We are ranked twenty-fourth the world over. We are ranked twentieth as far as gross national product is concerned. We are the fourteenth largest trading partner the world over. Essentially, we are the fifth largest trading partner of the United States of America.

For foreign investments, we have managed to be the ninth largest in the world. We actually are the largest in countries neighboring us, such as southeast Asian countries like Indonesia, Thailand and the Philippines. We are the number one investors for the last two or three years. If we put the lump sum together, we are the ninth.

Ladies and gentlemen, for foreign reserves, I'm very happy and proud to inform you that we are now number two exceeding $100,000,000 in U.S. dollars last week. This is what the economic success has done over the last 40 years. This is the sister state of the State of Nevada. This is a state which is not a member, unfortunately, of the United Nations, yet. I, therefore, publicly make use of this opportunity to appeal to each and every one of you to help us to be readmitted to the United Nations. I think a country of the figures I have cited, of the democracy which we are working very hard for, deserves to be a member of the United Nations, the international organ representing the principle of universality of the world.

We like to contribute to the international community. We are very grateful for the United States aid. We were receiving aid from the United States of America until 1965. But after that, for the last 30 years, we have reciprocated. We have recontributed to the international community. For instance, the government has earmarked a foundation fund in the amount of $1.16 billion U.S. dollars to help the developing countries the world over. We can do more if we were admitted back to the United Nations.

We cannot distribute international aid as some countries do. For instance, before coming here, I was Director General of the West Agent Department of the Ministry of Foreign Affairs. I was responsible for the whole Middle East and the former USSR during the well-known Gulf War, when Iraq invaded Kuwait and when refugee problems were very serious in that part of the world. My government decided to respond to the appeal of the United Nations. We had the money, but we had nowhere to hand the money, because we are not a member of the United Nations.

I think, also for humanitarian consideration, a nation of 21,000,000 should also be represented. We are a small state like I mentioned earlier, as far as size is concerned, but we are not that small if you talk about the population. We probably rank approximately fiftieth from the bottom of the line if you compare us to the other members of the United Nations. So, either from international cooperation or from the principle of universality, which is very basic in international democracy, or for human rights consideration, ladies and gentlemen, I do appeal to you to help us to be readmitted to the United Nations. This will help us to contribute more, and we can play a more active role in international communities.

Last but not least, let me reemphasize the friendship from the Province of Taiwan of the Republic of China which I, myself, have the privilege and honor to represent in this part of the United States including, of course, the State of Nevada. Anything at all, which my office or my humble self can do for you, please feel free to give us a call. Anything which contributes to strengthening the existing friendship and harmonious relationship between the State of Nevada and the Province of Taiwan of the Republic of China, we would not hesitate to do it. Thank you. Thank you, very much for your kind attention.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Ann Sunstrum and Mary McCarthy.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Bunny Kijowski.

On request of Assemblyman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Ellen Whittemore.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Tharon Purcell.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Daphne Garcia Campbell and Janet Cheever.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Benjamin T. Y. Lo.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Joseph C. L. Ma.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Patricia McAllister Brame.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Segerblom.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Patty Joyce.

On request of Assemblyman Stroth, the privilege of the floor of the Assembly Chamber for this day was extended to Holly Armstrong.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Eva Kallick.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, April 19, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:08 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINETY-FOURTH DAY

CARSON CITY (Wednesday), April 19, 1995

Assembly called to order at 11:19 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ruth Hanusa.

O God of Mercy, a bomb and so many dead and injured. Come to us with Your healing and calming presence. Give cool heads and warm hearts to the rescue workers, comfort the bereaved, healing to the injured and justice to the perpetrators. In Your mercy, save us by Your grace. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Allard and Anderson as a committee to invite the Senate to meet in Joint Session with the Assembly to hear an address by United States Representative Barbara Vucanovich.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Labor and Management, to which were referred Assembly Bills Nos. 59, 62, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDI KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Elections and Procedures.

JACK D. CLOSE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 44, 358, 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 277, 362, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 35, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 160, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOHN MARVEL, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 22.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 498—An Act relating to industrial insurance; providing that an association of self-insured public or private employers must consist of employers engaged in the same or similar classifications of employment; requiring a member of an association to provide certain financial statements; limiting the ability of an employer to rejoin an association after once leaving an association and returning to the state industrial insurance system; requiring the commissioner of insurance to adopt regulations establishing minimum requirements for members of associations; repealing provisions relating to service companies; and providing other matters properly relating thereto.

Assemblyman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 499—An Act relating to the publication of governmental notices; revising requirements for publication of certain information by counties; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 500—An Act relating to the public employees' retirement system; discontinuing charges for deferred protection; repealing the provisions relating to deferred protection; requiring certain justices and judges to remain in the system; placing the position of administrative analyst in the unclassified service; shortening the period in which a public employer may submit delinquent reports or payments; eliminating the period of

retirement before a retired employee may return to work; lengthening the period of additional employment before an employee may combine benefits; revising the provisions regarding the limitation on compensation used to determine the retirement benefit of certain employees; adjusting the calculation for annual increases in benefits; increasing the amount of survivor benefits under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 501—An Act relating to state financial administration; authorizing a temporary advance from the state general fund for the authorized expenses of the state land registrar and the division of state lands of the state department of conservation and natural resources; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Concurrent Committees on Government Affairs and Ways and Means.

Motion carried.

By Assemblymen Buckley, Giunchigliani, Anderson, Perkins, Manendo, Goldwater, Ohrenschall, Humke, Ernaut, Chowning, Tripple, Monaghan, Lambert, Bache, Krenzer, Freeman, Bennett, Fettic, Schneider, Williams, Price, Evans, de Braga, Neighbors, Segerblom, Hettrick, Spitler, Sandoval and Marvel:

Assembly Bill No. 502—An Act relating to discriminatory practices; prohibiting a person from refusing to authorize a person with a disability to make certain modifications to a dwelling which he occupies or will occupy; requiring that certain dwellings be designed and constructed in a manner which ensures that a person with a disability may use and enjoy the dwelling; revising the procedure of the Nevada equal rights commission for the investigation of a complaint alleging a discriminatory practice in housing; authorizing certain handicapped persons to use animals which have been or are being trained to provide a specialized service for those persons; providing penalties; and providing other matters properly relating thereto.

Assemblyman Buckley moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Monaghan, Anderson, Ohrenschall, Steel, Freeman, Carpenter, Stroth, Goldwater, Schneider, Humke, Lambert, Hettrick, Fettic, Manendo, Nolan, Bennett, Tripple, Segerblom, Evans, Tiffany and Brower:

Assembly Bill No. 503—An Act relating to adoption; requiring a man who claims to be the natural father of a child born outside of marriage to file certain information as a condition to retaining his rights regarding the child; requiring that the best interests of a child be the primary consideration in an

action to set aside an adoption brought by the natural parent of the child; making various other changes to the procedures for the adoption of a child; and providing other matters properly relating thereto.

Assemblyman Monaghan moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 504—An Act relating to collection agencies; establishing a procedure to determine the amount of the surety bond or other security a licensee is required to maintain with the commissioner of financial institutions; increasing the requirements for licenses and certificates; revising the grounds for the suspension or revocation of a manager's certificate; revising certain requirements for a hearing relating to the denial of an application for a manager's certificate; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Manendo, Ohrenschall, Buckley, Schneider, Anderson, Perkins, Neighbors, Segerblom, Carpenter, Batten, Monaghan, Price, Tripple, Chowning, Goldwater, Dini, Bache, Sandoval, Nolan, Steel, Stroth, Humke, Lambert, Close, Giunchigliani, Arberry, Spitler, Williams, Harrington, Brower, Allard, Fettic, Bennett, Freeman, Hettrick and Evans:

Assembly Bill No. 505—An Act relating to juveniles; requiring the establishment of a program of regimental discipline for certain juvenile offenders; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

The President of the Senate, the President pro Tempore of the Senate and Members of the Senate appeared before the bar of the Assembly.

Mr. Speaker invited the President of the Senate to the Speaker's rostrum.

Mr. Speaker invited the Members of the Senate to chairs in the Assembly.

IN JOINT SESSION

At 11:30 a.m.

President of the Senate presiding.

The Secretary of the Senate called the Senate roll.

All present except Senator Rhoads, who was excused.

The Chief Clerk of the Assembly called the Assembly roll.

All present.

The Speaker of the Assembly welcomed the Constitutional Officers to the Chamber.

The President of the Senate appointed a Committee on Escort consisting of Senator O'Connell and Assemblyman Sandoval to wait upon Representative Vucanovich and escort her to the Assembly Chamber.

The Committee on Escort in company with The Honorable Barbara Vucanovich, United States Representative for Nevada appeared before the bar of the Assembly.

The Committee on Escort escorted the Representative to the rostrum.

The Speaker of the Assembly welcomed Representative Vucanovich and invited her to deliver her message.

Representative Vucanovich delivered her message as follows:

MESSAGE TO THE LEGISLATURE OF NEVADA

SIXTY-EIGHTH SESSION, 1995

Good Morning. It is certainly great to be back in Nevada, and have this opportunity to speak to you today for the seventh time since 1983.

As I look around this chamber, I see a lot of new faces, but I do see a few familiar faces. I see Bill Raggio and Joe Dini are still here. And it is very nice to see John Marvel here today. John and Willie are long time friends. It's really great to see you and Willie both.

It's also refreshing to see so many new faces. Believe me, we need both new and old legislators to serve Nevada well. Those of us like Joe and Bill, who have been in politics for a while, get used to hearing the same question asked in many different ways, "So, when are you going to retire?" I can't speak for my distinguished legislative colleagues, but I have to tell you that after 13 years in Congress, I've never had more fun. I'm sure they will agree that there is something to be said for being in the majority—it just took me a seventh term to find that out.

I'm here today to talk to you about life in Washington these days, and some of the ramifications of the sweeping changes we have seen during the first 100 legislative days.

As members of this citizen legislature, you represent government in the best independent, may I say, Nevada tradition. Every one of you here today has a life outside of politics. That couldn't be healthier, because you are really in touch with the people you represent. And that opens the door to something the American people, no matter where they live, are demanding—more control over their government. It's no secret that people think government is out of touch and out of control. We hear that all the time in Washington, of course, and I suspect you hear it in Carson City, too.

And, as current trends point to a dramatic shift of power and responsibility back to the states, you are going to see dramatic changes in your roles as state legislators. The West, including great emphasis on Nevada, has always believed that the government that governs closest to home governs best. Now the rest of the country is waking up to this idea.

Last year's election was a thunder clap across America for a new direction. Time and time again, people across this state have told me they were tired of a Federal Government that had become too big, too arrogant, too intrusive and too "helpful." The new Congress took the message to Washington, swallowing hard in some instances, and has worked hard to keep the promises outlined in the Contract with America to give government back to the people. We've taken the first steps to create a smaller Federal Government, with lower taxes and less spending. We have advocated more government accountability and personal responsibility. We've pressed for less Federal Government interference in our lives and more local control to solve local problems.

After 100 days, I stand before you more convinced than ever that the direction we are headed is the right one. Despite efforts to paint these changes as extreme, most Americans still agree that government is simply too big and costs too much. One of the most important of these changes has been the shift of responsibility for government programs back to the states. We have taken several steps to do this.

First, we put a leash on unfunded federal mandates that Washington has been strapping on the backs of state and local governments. With the federal budget deficit increasing daily, we in Congress have up to now found it much easier to pass on the cost of new programs to state and local governments. Prime examples of this trend are the Clean Air Act and Clean Water Act, the new Medicare programs for the poor and the motor voter programs. Each of them have laudable goals, but who is going to bear the cost? The answer all too often was state government. At least now, it will take a supermajority of Congress before we can pass on any new costs.

Second, the House passed legislation to bring some good, old-fashioned common sense to a regulatory process that has run amuck by establishing a moratorium on new regulations. We are serious about untying the hands of state government, local governments, small businesses, ranchers, farmers, and ordinary citizens. I'm disappointed that the Senate has chosen to water down the moratorium to the point where it hardly differs from current law. Some in the Senate have characterized regulatory reform as hostile to public safety. That is simply demagoguery.

There never was any intent to prohibit regulations that will protect public safety, and the House language was explicit on this point. But the bureaucrats are not going to give up without a fight. They want to continue to list more fresh water shrimp as endangered in the Sacramento Valley, put more ranchers and contractors out of business in southern Nevada with the desert tortoise and squelch job growth among our small manufacturers.

In addition to regulatory reform, Speaker Gingrich has asked me to chair the task force to establish a legislative corrections day one day a week. Corrections day will be used to target rules, regulations, or laws which are overburdensome and have proven to be financial black holes. We'll be looking at noncontroversial changes that make good sense and save money, and I hope you will offer your suggestions. Already, we have received from the National Governor's Association, dozens of examples of burdensome regulations affecting state government.

Our first piece of legislation will correct the insane requirement that San Diego clean its waste water to a standard better than the ocean water it will be pumped into at a cost of millions of dollars to the local taxpayers.

I'm also proposing that we look at the OSHA regulations which require our municipal fire departments to have four firefighters on every call regardless of the type of emergency. I have heard from many local communities about the unreasonable cost this will place on our fire departments.

Third, on the crime fighting front, we passed a crime package that puts teeth in the Clinton crime bill of last year, so Nevada law enforcement officials can take a real bite out of crime. This bill puts power in the hands of local police and gives states the flexibility to use their grant money for what they need in their battle against crime, whether it be more cops, police cruisers, better communications equipment, or programs to discourage juvenile crime. The rhetoric over the crime bill got pretty distorted when it was claimed we were eliminating the cops on the beat, when in fact we were giving local police the power to decide how best to spend the money. It is my hope that the Senate will help local police officials make their own decisions.

Fourth, the House of Representatives also put forth a bold legislative package to transform the welfare system. The Personal Responsibility Act is based on the ideals of self-respect and opportunity. We are replacing a failed system that doesn't work with a more compassionate solution that encourages work, supports families, and offers needy children hope for the future.

Under this plan, you have an important role. We are cutting federal red tape and giving you maximum flexibility to fight poverty and to set up a welfare system that works for Nevadans. We are taking the current Federal Entitlement Program and establishing block grants with minimal federal mandates so you can use your creativity, innovation and ingenuity to help Nevada's welfare recipients beat the welfare trap. These block grants are for temporary family assistance, child care, family nutrition, school-based nutrition and child protection.

Many opponents to transforming welfare say these changes are mean spirited. How many times did you hear about the Republican cuts in the school lunch program? How

many times did you hear this distortion of the truth? The simple fact is that school lunch funding is increased 4.5 percent every year. For Nevada, and please listen to this closely, for Nevada this means that next year our state will receive $1 million more for school lunches than we will get this year, and funding will be increased 4.5 percent annually. One million dollars more next year. That is a must. It is an increase. Even basic math students can figure out that equation.

The truth about the school lunch cuts is that we are cutting bureaucracy's and administrative costs so we can spend more money on meals for needy school children. So when you hear accusations of how welfare reform is mean spirited, ask yourself if it isn't really the current welfare system that has trapped women and children in a vicious cycle of dependency, poverty and illegitimacy that is mean spirited.

The status quo is cruel to children. It destroys self-respect, it ravages families, it encourages dependency and is rife with waste, fraud and abuse. The status quo has failed. We need to end the cycle of welfare dependence, put an emphasis on work and increase spending for those who really need the help in a time of personal crisis. It's truly disappointing to hear opponents of change label what we are doing as radical and out of the mainstream, when in fact, we are trying to make real change for a better future.

Trying a new approach, that is what the first 100 days have been all about. But, what we have tried to do so far is nothing compared to the challenge facing us in balancing the federal budget. That's our goal, and making the American dream a reality for our children and grandchildren is the task at hand. That is why this year's budget debate will be about more than just numbers.

It's clear that people across this state and throughout this nation feel that Washington is out of control. For a nation that prides itself on leaving a better country for our children, we are instead leaving a legacy of fiscal and moral bankruptcy. The nation is nearly $5 trillion in debt. In just 17 years from now, spending on entitlements—that is Medicare, Medicaid, Social Security, veterans' programs, farm programs and interest on the debt will consume all tax revenues. That means no national defense, no education and no environmental protection. Nothing other than entitlements and an interest payment. In just two years, we will pay more for interest on the debt, $270 billion, than we will pay for the national defense, $257 billion. And make no mistake, that interest payment is made by every one of us. Over our lives, we'll personally pay thousands of dollars in interest on the debt. A child born this year will pay nearly $200,000 over his or her lifetime in interest on the debt. That's the legacy we're leaving our children. That $200,000 would be much better spent to buy a new house or invest in a college education than spent to pay off our government's poor spending habits. This legacy has caused a middle-class squeeze. Families are working harder and harder, without getting any further ahead and they are sending more of their hard earned money to Uncle Sam.

In 1950, the average household paid 5 percent of its income to the Federal Government in taxes. Today, the same household sends 24 percent. In fact, an average family today loses about half of its income because of income taxes at all levels of government.

And, what about retirement? The programs that so many Nevadans depend on, Medicare and Social Security, are headed toward bankruptcy. In just six years, Medicare spending will outpace revenues. If we do nothing, Medicare taxes will have to be raised 125 percent, and seniors will face a 300 percent increase in annual premiums. Social Security is headed toward bankruptcy a little farther down the road, but if we do nothing, it will go broke. We can't continue the path we're on now.

I could stand here and name off a dozen programs that benefit the State of Nevada that I support and will be loathe to cut, but that will never solve the real budget problems we are facing. It's easy to name some unpopular, miniscule program which I could single out to get rid of and you would all applaud, but that won't balance the budget. Balancing the budget doesn't mean reducing spending. It doesn't even mean a freeze. It means restraining spending for seven years so natural revenue growth catches up with what we want to spend. It won't be easy and it will require difficult choices.

We, on the Appropriations Committee, will be asking ourselves if every program passes the federal spending test. Should this be a government program? Would the program be better served by a nonprofit or private business? Does the program symbolize

the values of the nation? Could we make it more efficient, less expensive or more technologically advanced? Is there needless bureaucracy and duplication? And if the Federal Government should be involved in the program, we have to ask ourselves can we afford it and where is it on our priority list. These are the questions we are asking ourselves in Congress as we try to set a new direction for this nation. These are questions that every family that has to live within a budget asks itself on a daily basis. These are questions that Nevada state government asks itself as it operates under a balanced budget requirement.

Let me tell you what we've done in Washington. We started by cutting Congress first. We also passed a $17 billion cut in current year funding. We reformed welfare, we cut foreign aid, we're attacking corporate welfare and we're eliminating government agencies. If we create a more effective government, we'll need fewer tax dollars. We have the opportunity to do the right thing to bring federal spending under control. That will improve the lives of every single Nevadan and every single American. Or, we can turn our backs on the future and live for today, ringing up more and more debt that will be left for our children to pay off.

Balancing the budget will have a real impact on everyone's lives. If we balance the budget, experts say interest rates will decrease by 2 percent; 2 percent less for car loans, home mortgages, credit cards, new factories, new schools and bonds for new roads. Reducing interest rates by 2 percent would create 6,000,000 jobs in 10 years, increase per capita incomes 16 percent and generate $232 billion in additional revenues for state and local governments, without tax increases.

These are the goals we need to keep in mind as the great budget debate unwinds. As state legislators, you understand the political difficulty of what lies ahead. I hope that we will have your support in doing what must be done. It's as simple as this: we need to give more power back to the states and we need to reduce the growth in federal spending. I believe that was the message voters gave us last November. It will be a challenge. It won't be easy. I think we can make the necessary changes by working together for the good of Nevada and the country. With that, let me thank you for the opportunity to share my thoughts with you and now I'll let you get back to doing your job as I continue to do mine.

Senator Washington moved that the Senate and Assembly in Joint Session extend a vote of thanks to Representative Vucanovich for her timely, able and constructive message.

Motion carried.

The Committee on Escort escorted the Representative to the bar of the Assembly.

Assemblyman de Braga moved that the Joint Session be dissolved.

Motion carried.

Joint Session dissolved at 11:56 a.m.

ASSEMBLY IN SESSION

At 12:02 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 187, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

THOMAS BATTEN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen de Braga, Dini, Neighbors, Carpenter, Segerblom, Steel, Braunlin, Schneider, Harrington, Manendo, Price, Perkins, Ernaut, Stroth, Allard, Anderson, Humke, Chowning, Spitler, Sandoval, Fettic, Goldwater, Ohrenschall, Bennett, Freeman, Nolan, Krenzer, Marvel, Tripple, Bache, Lambert, Close and Giunchigliani:

Assembly Joint Resolution No. 31—Urging the National Museum of the American Indian to return a portion of the tule duck decoys to the Department of Museums, Library and Arts of the State of Nevada.

Assemblyman de Braga moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Senate Concurrent Resolution No. 22.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblymen Price, Dini, Goldwater and Segerblom.

Assemblyman Stroth requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

I was fortunate at my very first session, that Mahlon was still here. He was a gentleman, and probably at that time the most knowledgeable on legislative procedure that we have ever had. As the resolution indicates, he was here through the evolution of our body into the modern age, including the years when the decisions were made for the creation of this building. He served two or three terms in this building.

He served as the Majority Leader for 10 years, longer than anyone else. That included the year we held an annual session. I always remember him saying he thought the annual session in 1960 was the most productive session we ever had. But seriously, he was the kind of person that everyone went to for advice and help. His door was never closed to anyone.

Mahlon was Justice of the Peace during the period when I first came to Las Vegas. I remember it being mentioned in the remarks of one of the senators, when Mahlon was being inducted into the Senate Hall of Fame, that Mahlon had presided at his marriage. This senator and his wife had been married 25 years or so at that point in time, so Mahlon must have done a good job of getting them together. During his time as Justice of the Peace, he presided at the marriages of famous movie stars such as Judy Garland, Hoot Gibson and Jean Tierney. He indicated that he had married up to 100 couples in a day. In Las Vegas, back in the 1950s, the position of Justice of the Peace was a very sought after position. He did an excellent job.

His legacy that is left today is one of the finest things he worked on behind the scenes. That was the creation of the University of Nevada, Las Vegas. He was a very big supporter of getting a university built in southern Nevada. It wasn't easy. At the time UNLV's construction was started, people wondered why it was being built so far out in the desert. He recognized what the growth in the area would be, and the need for the university. It was, indeed, a wonderful thing that he accomplished.

I was so fortunate to serve that one term with B. Mahlon Brown. After the first couple of terms here, I tried not to associate with the senators at the other end, but during Mahlon's time it was a pleasure and honor. I'm very pleased that we are honoring him and his family today. I have his son here with me and will be introducing B. Mahlon Brown, III in a few moments. I certainly urge you to support this resolution.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I rise in support of this resolution. I served with Senator Mahlon Brown from 1967 through 1975. He was one of my mentors. I really enjoyed

talking to Mahlon. He was always fair. He grew up in this system when there was one senator from each county. One county did not dominate our system, and he grew under that system.

He served as Minority Leader for three or four terms before he became Majority Leader. He knew the State of Nevada. His interests were about things from a statewide perspective and not about partisan politics. I don't think he was ever involved in any partisan politics during the years that I knew him. He was such a fair man.

In 1975, I was Majority Leader of the Assembly and he was Majority Leader of the Senate. We worked together with Speaker Ashworth to close the session. It was really my first time being involved with closing a session and I became very close to the man. Afterwards, he had kind words for me. Every now and then, I would receive a telephone call from him regarding a variety of issues. I have become very fond of his son, Mahlon. It was a great pleasure to serve with him, and if you had known him, you'd know what a great man he was. Thank you.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. I knew Mahlon Brown as a constituent in Assembly District No. 10, but that is not where I was first fortunate enough to meet him.

After Mahlon Brown retired, I was a bank teller at First Interstate Bank, and he came in daily to do his banking. His gentle nature and kindness was evident. It is truly my honor to memorialize Mahlon Brown in this way. I wish to extend my support for this resolution, and my condolences to the family.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. I rise in support of this resolution. I remember Mahlon Brown when he was a Justice of the Peace. He lived next door to my sister-in-law, and how she liked getting that dollar when she was a witness. Mahlon Brown, III used to run around the yard all the time and his dad would have a hard time getting him home. He liked my brother so well he didn't want to go home. I certainly rise in support of this, and I certainly hope all of you will, too. Thank you.

Resolution adopted.

Assemblyman Stroth moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:28 p.m.

ASSEMBLY IN SESSION

At 12:39 p.m.
Mr. Speaker presiding.
Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 109.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 283.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 327.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 412.
Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 114.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 181.

Amend sec. 4, page 2, by deleting line 22 and inserting: "*notice or within 6 months after entry of the final decree of dissolution; or*".

Amend sec. 4, page 2, by deleting lines 27 through 29 and inserting: "of aggravated stalking [shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, and may be further punished by a fine of not more than $5,000.] *as set forth in paragraph (a) of this subsection is guilty of a felony. A person who commits the crime of aggravated stalking as set forth in paragraph (b) or (c) of this subsection, for the first offense, is guilty of a gross misdemeanor and, for any subsequent offense, is guilty of a felony.*".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 270.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 2.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 93.

Bill read third time.

Remarks by Assemblyman Batten.

Roll call on Assembly Bill No. 93:

YEAS—42.

NAYS—None.

Assembly Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 183.

Bill read third time.

Remarks by Assemblymen Chowning, Evans and Price.

Potential conflicts of interest declared by Assemblymen Evans and Price.

Roll call on Assembly Bill No. 183:

YEAS—42.

NAYS—None.

Assembly Bill No. 183 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 233.

Bill read third time.

Remarks by Assemblyman Fettic.

Roll call on Assembly Bill No. 233:

YEAS—35.

NAYS—Buckley, Carpenter, Humke, Lambert, Manendo, Monaghan, Tripple—7.

Assembly Bill No. 233 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 235.

Bill read third time.

Remarks by Assemblymen Tiffany and Lambert.

Roll call on Assembly Bill No. 235:

YEAS—33.

NAYS—Carpenter, Evans, Harrington, Humke, Lambert, Monaghan, Schneider, Steel, Tripple—9.

Assembly Bill No. 235 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 263.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Bill No. 263:

YEAS—38.

NAYS—Giunchigliani, Ohrenschall, Tiffany—3.

Not voting—Evans.

Assembly Bill No. 263 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Buckley, Tripple, Goldwater, Bache, Giunchigliani, Lambert, Evans, Freeman, Close, Arberry, Krenzer, Ohrenschall, Segerblom and Neighbors:

Assembly Bill No. 506—An Act relating to land use; requiring a master plan to include a plan for the development of affordable housing; requiring a governing body to adopt the plan for the development of affordable housing if it adopts any part of the master plan; and providing other matters properly relating thereto.

Assemblyman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 272; Senate Bill No. 367.

REMARKS FROM THE FLOOR

Assemblyman Stroth requested that the following remarks be entered in the Journal.

SPEAKER HETTRICK:

What I would like to do now, if I may, is a special presentation. You may remember, last week we had Mr. Perkins do a presentation about his son, who had cancer. We have a young man seated at Mr. Perkins' desk today who is also battling cancer, and who is going to win that battle. I want you to meet him. His name is Brett Ruiz.

Brett is a brave young man who wants to become a police officer. Mr. Perkins, being a police officer from Henderson, has been very kind in helping us put together a presentation. I would like Mr. Perkins to do that now if he would.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. It is indeed my great pleasure to do this. First of all, I'd like to say I'm honored, on behalf of my profession, that we have some great young people that would consider a profession in law enforcement.

We've been able to gather a few things, with the help of Mr. Speaker and others. We have framed patches and have Legislative Police pins that go with that. As well as that, I did bring back from the City of Henderson, after conferring with the Chief of Police there, some other things. As part of this presentation, Mr. Speaker, there is a letter I would like to read.

TO: BRETT RUIZ

FROM: TOMMY J. BURNS, *Chief of Police*

SUBJECT: Honorary Appointment

Because of your sincere interest in law enforcement, and your concern as a citizen of Nevada for the well-being of the community at large, as Chief of Police of Henderson, Nevada, I hereby, appoint you "Honorary Police Lieutenant" for the Henderson Police Department. Our prayers and well wishes are with you and your family, and the entire Henderson Police Department salutes you.

God bless you.

TOMMY J. BURNS, *Chief of Police*

With that, Mr. Speaker, it is important for me to point out that Brett now outranks me. At the swipe of a pen, I now have a new boss. Please help me welcome Brett here. We all know it is a tough battle, but one that can be won and we offer our encouragement to him in that direction. Thank you, Mr. Speaker.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Sonnie Haight and Audrey Doerr.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Nancee Goldwater and Mike Beamer.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Joy Ruiz, Shandi Ruiz, Blaine Parsley, Lauren Morris, Jean Hurford, Laura Sinclair, Elizabeth Beelik, Tahnya Ballard, Judith Cox, Nora Fiamengo, Charleen Hayden, Cathy Andrew, Linda Muncy, Evelyn Milos, Louzel Rogers, David Rogers, Erica Dreyer and Joan Nelson.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Jeannie Deeg.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Liston J. Hazel, Al Markowitz, Vivian Markowitz, John McClure, Bryan Newton, Karie Newton, Rita Vanswani, Brock Henning, Larry Wrangham, Kay Buchanan, Rubin Murillo, Mike Denton, Valerie Coplin, Debbie Elder, Mike Chandler and Mark Ohriner.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Brett Ruiz and Leroy Curtis.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to B. Mahlon Brown, III.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Lyle Smith, Tara Reck and Rita Shanley.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy L. Morgan and Cynthia A. Newton.

Assemblyman Stroth moved that the Assembly adjourn until Thursday, April 20, 1995 at 11 a.m., and that it do so with condolences to the victims of the bombing in Oklahoma City, Oklahoma.

Motion carried.

Assembly adjourned at 12:59 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINETY-FIFTH DAY

CARSON CITY (Thursday), April 20, 1995

Assembly called to order at 11:03 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblyman Freeman, who was excused.

Prayer by the Chaplain, The Reverend Ruth Hanusa.

Long ago the Prophet said, "A voice cries in Ramah: Rachel weeping for her children, and refusing to be comforted, because they are no more." O God, today we pray for children; children whose bodies have been torn apart and crushed; children missing; children abused and neglected; children homeless and hungry; children who will bear the burden of debt; and for the children of long ago, now grown, who are angered and saddened by the events of these days. Dear God, be with us as we grieve, bring healing and comfort, give strength to those whose lives must be rebuilt and surround us with Your loving embrace. On Your gracious mercy we rely. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 206, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 19, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 275, 280, 288, 289, 296.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 104, 154, 225, 277, 284.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolutions Nos. 3, 17, 18.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 3.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Joint Resolution No. 17.

Assemblyman Perkins moved that the resolution be referred to the Committee on Taxation.

Motion carried.

Senate Joint Resolution No. 18.

Assemblyman Perkins moved that the resolution be referred to the Committee on Taxation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Harrington:

Assembly Bill No. 507—An Act relating to zoning; requiring, under certain circumstances, a proposed change in a zoning regulation, restriction or boundary that affects property in an area zoned for residential use be approved by referendum; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 508—An Act relating to education; revising the provisions governing the hiring, directing, assigning and transferring of the unlicensed employees of a school district; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 104.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 154.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 225.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 275.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 277.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 280.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 284.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 288.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 289.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 296.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblymen Harrington, Sandoval, Tripple, Braunlin, Krenzer, Batten, Evans, de Braga, Spitler, Close, Manendo, Humke, Ohrenschall, Nolan, Segerblom, Perkins, Ernaut, Schneider, Stroth, Hettrick, Steel, Fettic and Allard:

Assembly Bill No. 509—An Act relating to traffic laws; providing for the forfeiture of a vehicle under certain circumstances upon the arrest of the driver for driving under the influence of alcohol; providing for the forfeiture of a vehicle upon the conviction of certain drivers for driving under the influence of alcohol; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bill No. 109 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Ernaut.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 71.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 71:

YEAS—41.

NAYS—None.

Absent—Freeman.

Assembly Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 160.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 160:

YEAS—41.

NAYS—None.

Absent—Freeman.

Assembly Bill No. 160 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 283.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 283:

YEAS—28.

NAYS—Allard, Bennett, Braunlin, Close, Ernaut, Fettic, Harrington, Monaghan, Sandoval, Stroth, Tiffany, Tripple—12.

Absent—Freeman.

Not voting—Humke.

Assembly Bill No. 283 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 327.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 327:

YEAS—39.

NAYS—Allard, Harrington—2.

Absent—Freeman.

Assembly Bill No. 327 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 412.

Bill read third time.

Remarks by Assemblymen Buckley and Evans.

Roll call on Assembly Bill No. 412:

YEAS—41.

NAYS—None.

Absent—Freeman.

Assembly Bill No. 412 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 426.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Assembly Bill No. 426:

YEAS—41.

NAYS—None.

Absent—Freeman.

Assembly Bill No. 426 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 270.

Bill read third time.

Remarks by Assemblyman Monaghan.

Roll call on Senate Bill No. 270:

YEAS—41.

NAYS—None.

Absent—Freeman.

Senate Bill No. 270 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 2.

Resolution read third time.

Remarks by Assemblymen Close and Buckley.

Roll call on Senate Joint Resolution No. 2:

YEAS—41.

NAYS—None.

Absent—Freeman.

Senate Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 109.

Bill read third time.

Remarks by Assemblyman Stroth.

Roll call on Assembly Bill No. 109:

YEAS—41.

NAYS—None.

Absent—Freeman.

Assembly Bill No. 109 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 35.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 44.

Bill read second time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 303.

Amend section 1, page 1, line 18, after "*employee*" by inserting: "*has final authority to approve use of his own accrued leave and he*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 59.

Bill read second time.

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

Amendment No. 153.

Amend section 1, page 1, by deleting lines 12 through 15 and inserting: "cuted by the attorney general upon complaint of any employee who , *as determined by the attorney general,* submits proper".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 62.

Bill read second time.

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

Amendment No. 185.

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

"Section 1. NRS 618.565 is hereby amended to read as follows:

618.565 1. The occupational safety and health review board, consisting of five members appointed by the governor, is hereby created under the division.

2. The governor shall appoint:

(a) Two members who are representatives of management.

(b) Two members who are representatives of labor.

(c) One member who is a representative of the general public.

(d) One person to serve as an alternate for the representative of the general public when that member is unable to attend a meeting of the board.

At least one of the members appointed pursuant to paragraph (a) or (b) must be knowledgeable regarding occupational safety or health.

3. After the initial terms, members shall serve terms of 4 years. No member may serve more than two terms.

4. No person employed by the division may serve as a member of the board.".

Amend section 1, page 1, by deleting line 14 and inserting: "public.] *three members of the board, at least one of whom must represent labor and one of whom must represent management.*".

Amend section 1, page 1, between lines 16 and 17 by inserting:

"*7. If the alternate for the regular member representing the general public attends a meeting of the board in the place of the regular member, the alternate fully assumes the duties, rights and responsibilities for the duration of that meeting and is entitled to the compensation, allowances and expenses otherwise payable for members who attend that meeting.*".

Amend the title of the bill, first line, after "board;" by inserting: "requiring the appointment of an alternate for the member representing the general public;".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblyman Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 187.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 284.

Amend section 1, pages 1 and 2, by deleting lines 7 through 25 on page 1 and lines 1 through 7 on page 2 and inserting:

"2. [The director shall not release, in any files and records made available for the solicitation of another person to purchase a product or service, the social security number of any person.

3. The] *Except as otherwise provided in subsection 3, the director may release information from a file or record relating to the driver's license, identification card or title or registration of a vehicle of a person if the requester submits a notarized release from the person about whom the information is requested which is dated no more than 90 days before the date of the request.*

3. Except as otherwise provided in subsection 2, the director shall not release to any person who is not an officer or employee of a law enforcement agency:

(a) A list which includes license plate numbers combined with any other information in the records or files of the department;

(b) The social security number of any person, if it is requested to facilitate the solicitation of that person to purchase a product or service; or

(c) The name, address, telephone number or any other personally identifiable information if the information is requested by the presentation of a license plate number.

4. Except as otherwise provided in subsections 2 and 5, the director shall not release:

(a) The name, residential address or telephone number of any individual person; or

(b) Residential information on any list of selected information, if the scope of the requested information is narrower than the entire data base, from a file or record relating to a driver's license, identification card or title or registration of a vehicle.

5. Except as otherwise provided in subsection 6, if a person or governmental entity appears in person or by its representative, provides a description of the information requested and its proposed use and signs an affidavit to that effect, the director may release the name, residential address and telephone number of a person from a file or record relating to a driver's license, identification card or title or registration of a vehicle for use:

(a) By any governmental entity, including, but not limited to, any court or law enforcement agency, in carrying out its functions, or any person acting on behalf of a federal, state or local governmental agency in carrying out its functions. In addition, the director may, by regulation, establish a procedure whereby a governmental entity may retrieve such information electronically or by written request in lieu of a signed affidavit.

(b) In connection with any civil, criminal, administrative or arbitration proceeding before any federal or state court, regulatory body, board, commission or agency, including, but not limited to, use for service of process, investigation in anticipation of litigation and execution or enforcement of judgments and orders, or pursuant to an order of a federal or state court.

(c) In connection with matters relating to:

(1) The safety of drivers of motor vehicles;

(2) Thefts of motor vehicles;

(3) Emissions from motor vehicles;

(4) Alterations of products related to motor vehicles;

(5) An advisory notice relating to a motor vehicle or the recall of a motor vehicle;

(6) Monitoring the performance of motor vehicles;

(7) Parts or accessories of motor vehicles;

(8) Dealers of motor vehicles;

(9) Activities relating to research of the market for motor vehicles, such as the conducting of surveys; or

(10) Removal of nonowner records from the original records of motor vehicle manufacturers.

(d) By any insurer, self-insurer or organization that provides assistance or support to an insurer or self-insurer or its agents, employees or contractors, in connection with activities relating to the rating, underwriting or investigation of claims or the prevention of fraud.

(e) In providing notice to the owners of vehicles which have been towed, repossessed or impounded.

(f) By an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license who is employed by or has applied for employment with the employer.

(g) By a person who is licensed pursuant to NRS 648.060, for any use permitted pursuant to this section. In addition, the director shall, by regulation, establish a procedure whereby such a person who has personally appeared before an employee of the department at least once may establish an account with the department to facilitate his ability to request information by telephone if he has submitted to the department proof of his licensure and a signed and notarized affidavit acknowledging:

(1) That he has read and fully understands the current laws and regulations regarding the manner in which information from the department's files and records may be obtained and the limited uses which are permitted;

(2) That he understands that any sale of information so obtained must be in accordance with the provisions of this section;

(3) That he understands that a record will be maintained by the department of any information he requests; and

(4) That he understands that a violation of the provisions of this section is a criminal offense.

6. A person who requests and receives information pursuant to subsection 5 may sell or disclose that information only for a use permitted pursuant to that subsection. Such a person must keep and maintain for a period of 2 years a record of:

(a) Each person to which the information is provided; and

(b) The purpose for which that person will use the information,

which must, pursuant to a court order, be available for examination by the department at all reasonable times upon request.

7. Except as otherwise provided in subsection 2, the director may deny any private use of the files and records if he reasonably believes that the information taken may be used for:

(a) An illegal purpose; or

(b) An unwarranted invasion of a particular person's privacy.

[4.] *8.* Except as otherwise provided in NRS 485.316, the director shall not allow any person to make use of information retrieved from the data base created pursuant to NRS 485.313 for a private purpose and shall not in any other way release any information retrieved from that data base.

[5.] *9.* The director shall adopt such regulations as he deems necessary to carry out the purposes of this section.

10. It is unlawful for any person to:

(a) Make a false representation to obtain any information from the files or records of the department.

(b) Knowingly obtain or disclose any information from the files or records of the department for any use not permitted by the provisions of this chapter.''.

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

''Sec. 2. NRS 483.916 is hereby amended to read as follows:

483.916 [Notwithstanding any other provision of law to the contrary,] *Except as otherwise provided in NRS 481.063,* the department shall furnish full information regarding the driving record of any person to:

1. The driver's license administrator of any other state or of any province or territory of Canada who requests that information;

2. Any employer or prospective employer of that person upon his request and payment of a fee established in regulations adopted by the department; or

3. Any insurer upon its request and payment of a fee established in regulations adopted by the department if the insurer has complied with the provisions of NRS 485.314.''.

Amend the title of the bill to read as follows:

''An Act relating to motor vehicles; prohibiting the department of motor vehicles and public safety from disclosing the name, residential address or telephone number of a person for private use except under certain circumstances; providing a penalty; and providing other matters properly relating thereto.''.

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Assemblyman Chowning moved that Assembly Bill No. 187 be rereferred to the Committee on Transportation.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Transportation.

Assembly Bill No. 277.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 182.

Amend section 1, page 1, by deleting line 14 and inserting:

''*(b) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months,*''.

Amend section 1, page 1, line 23, by deleting ''confinement'' and inserting ''[confinement] *imprisonment*''.

Amend section 1, page 2, line 3, by deleting ''confinement'' and inserting ''[confinement] *imprisonment*''.

Amend section 1, page 2, line 5, by deleting ''confined'' and inserting ''[confined] *imprisoned*''.

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 358.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 362.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 250.

Amend sec. 2, page 1, line 3, by deleting "*A*" and inserting: "*Except in connection with an application for benefits pursuant to chapter 422 of NRS, a*".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 370.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 20.

Resolution read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 180.

Amend the resolution, page 1, by deleting lines 2 and 3 and inserting: "JOINTLY, That a new section be added to article 4 and section 2 of article 4 of the constitution of the State of Nevada be amended to read respectively as follows:

"*Sec. 29A. The Legislature shall adjourn sine die each regular session not later than midnight in the Pacific standard time zone of the first Monday of July following its commencement. Any legislative action taken in a regular session after midnight in the Pacific standard time zone of the first Monday of July following its commencement is void.*".

Amend the title of the resolution, first line, after "provide" by inserting: "a limit for the length of regular legislative sessions and".

Amend the summary of the resolution to read as follows:

"Summary—Proposes to amend Nevada constitution to provide for commencement of regular legislative session in March and limit length of regular legislative sessions. (BDR C-439)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Guinchigliani.

Amendment adopted.

Assemblyman Giunchigliani moved that Assembly Joint Resolution No. 20 be re-referred to the Committee on Elections and Procedures.

Motion carried.

Resolution ordered reprinted, engrossed and to the Committee on Elections and Procedures.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Erin Elizabeth Hackman.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Katie Ross.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from the University of Nevada, Reno: Pat Wilson, Debra Simon, Jan Wingo, Cathy McCarty, Rick Sanchez, Dan Coite, Sarah Wainscott, Jennifer Mattern and George McCafferty; Instructor Dina Fogliani.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Patrick and Elva Morin.

Assemblyman Perkins moved that the Assembly adjourn until Friday, April 21, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:58 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINETY-SIXTH DAY

CARSON CITY (Friday), April 21, 1995

Assembly called to order at 11:06 a.m.

Speaker pro Tempore Tiffany presiding.

Roll called.

All present except Assemblymen Carpenter and Freeman, who were excused.

Prayer by the Chaplain, The Reverend Ruth Hanusa.

Frosty air, but hearts warmed with infectious laughter; big debts seemingly frozen beyond thawing; overdue pay raises; bailouts and frauds; big problems. But, thanks be to God for these men and women assembled here, whose hearts are also large, whose wisdom, courage and stamina abound. Keep them, bless them and sustain them with joy.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 280; Assembly Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 156, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which were referred Assembly Bills Nos. 56, 58, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDI KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Senate Bill No. 51, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDI KRENZER, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 35.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Assembly Bill No. 35:

YEAS—40.
NAYS—None.
Absent—Carpenter, Freeman—2.

Assembly Bill No. 35 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 358.
Bill read third time.
Remarks by Assemblyman Lambert.
Roll call on Assembly Bill No. 358:

YEAS—40.
NAYS—None.
Absent—Carpenter, Freeman—2.

Assembly Bill No. 358 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 370.
Bill read third time.
Remarks by Assemblyman Harrington.
Roll call on Assembly Bill No. 370:

YEAS—39.
NAYS—Lambert.
Absent—Carpenter, Freeman—2.

Assembly Bill No. 370 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 114.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Senate Bill No. 114:

YEAS—40.
NAYS—None.
Absent—Carpenter, Freeman—2.

Senate Bill No. 114 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.
Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 24, 25.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 24.

Assemblyman Bennett moved the adoption of the resolution.

Remarks by Assemblymen Bennett, de Braga, Stroth and Harrington.

Assemblyman Nolan requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BENNETT:

Thank you, Madam Speaker pro Tempore. The National Finals Rodeo has been one of the greatest events that has come to the State of Nevada. Unfortunately, it was marred by tragedy last December.

There are a lot of people in this Assembly and many people in this state that have strong feelings about the sport of rodeo. This is the least we can do for the greatest sacrifice a mother could ever make.

On a lighter side, in the spirit of our 21-21 split, I think it was a funny choice that I was asked to make this presentation. Since back in Oklahoma City, when we held the nationals many years ago, and being a native, I used to have box seats in the front row at the chutes. I think I'll yield the floor to other speakers that would care to make remarks.

ASSEMBLYMAN DE BRAGA:

Thank you, Madam Speaker pro Tempore. I rise in support of Senate Concurrent Resolution No. 24. The National Finals Rodeo is a wonderful event for the State of Nevada, and we did, as the former speaker said, "steal it from the State of Oklahoma." It has been great for the State of Nevada and the participants. Hopefully, it will not be diminished by this tragic event. We join with others in mourning the tragic loss of a fine competitor at such a young age. But, we still look forward to continuing this sport in the State of Nevada. Thank you.

ASSEMBLYMAN STROTH:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of this resolution memorializing Brent Thurman.

We knew the Thurman family in Texas. My son, Trent, road bulls with Brent when he was 14. My husband played golf regularly with his dad. We were deeply grieved when Brent died, as we knew the emptiness and anguish that his family and friends were experiencing.

Brent's mom was concerned about his safety. Shortly before Brent died, he consoled his mother with these words, "Mom, God is with me when I'm sitting in a chair, and he is with me when I'm walking across the street. You have to look at it this way, if God wants to take me, it doesn't matter if I'm in a chair, asleep or walking. How many people can say they died doing what they loved to do?" Brent did die doing what he loved. It gives me great comfort to know that my son, Trent, has a friend like Brent with him now. Thank you.

ASSEMBLYMAN HARRINGTON:

Thank you, Madam Speaker pro Tempore. I was a doctor at the University Medical Center, not the day he arrived, but subsequent days I worked there. I just want to commend his family. They brought a wonderful spirit of cooperation, hope and enthusiasm with them. I don't think the doctors and nurses pulled for any patient harder than they

did for Mr. Thurman. They were really hoping a miracle would happen on behalf of the family who were so kind and courageous. I would like to commend them for their spirit while they were there.

KAY GOODNIGHT THURMAN:

I'm really at a loss over the kindness and love that can come out of a state. As someone who has visited Las Vegas, it is a city of bright lights, fun and gambling. You spend your money and you go home.

Until the tenth round of the National Finals, that was pretty much my impression of Las Vegas. We take pride in being Texans and a friendly state, but I was amazed at the outpouring of love, care, food, money and people. Whether they had $1 or $100, it made no difference, people were there with support.

We, as Texans, can only hope that we can show the support to someone from Nevada, Oklahoma City or wherever when the need arises. We will never, ever, as long as we live, be able to repay the kindness. Just know that Nevada will never again be bright lights and a fast way of life for us. Nevadans are loving, caring individuals that we will owe for the rest of our lives. From the bottom of my heart, I thank you for my son and our family. Thank you, so much.

Resolution adopted unanimously.

Assemblyman Bennett moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:27 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 25.

Assemblyman Neighbors moved the adoption of the resolution.

Remarks by Assemblyman Neighbors.

Resolution adopted unanimously.

Assemblyman Bache moved that Assembly Bill No. 171 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Bache:

Assembly Bill No. 510—An Act relating to common-interest ownership; increasing the requirements of disclosure and notification by associations of units' owners of common-interest communities; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Spitler:

Assembly Bill No. 511—An Act relating to restitution; specifying the proportion of the wages of an offender assigned to a center for restitution to be paid to the victim for restitution; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblymen Spitler and Harrington:

Assembly Bill No. 512—An Act relating to prisoners; authorizing certain local governments to seek reimbursement for expenses incurred for supporting and maintaining prisoners in a county or city jail or detention facility; authorizing withdrawals from prisoners' trust funds to pay such reimbursement; clarifying that a county, city or town is responsible for paying for the cost of certain medical treatment and examinations for prisoners only while such prisoners are in custody; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Humke, Lambert, Anderson, Ernaut, Evans, Sandoval and Batten:

Assembly Bill No. 513—An Act relating to general improvement districts; requiring certain districts to be governed by an elected board of trustees; providing for the interim governance and the election of successor trustees in a district affected by the change; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 206.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 306.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 5, following the enacting clause, to read as follows:

"Section 1. There is hereby appropriated from the state general fund to the department of prisons the sum of $510,769, for expenses related to the opening of the Lovelock correctional facility, to be allocated as follows:

Phase I Staff Relocation..... $212,616
Phase I Start-Up Supplies..... $186,113
Phase I Medical Staff Relocation..... $50,381
Phase I Medical Start-Up Supplies..... $28,785
Phase I Training..... $32,874

Sec. 2. There is hereby appropriated from the state general fund to the department of prisons the sum of $1,503,024, for expenses related to the opening of the Lovelock correctional facility, to be allocated as follows:

Phase I Equipment..... $1,231,787
Phase I Medical Equipment..... $235,826
Phase I Nevada Criminal Information System (Lovelock Hook-Up Supplies and Equipment)..... $35,411

Sec. 3. Any remaining balance of the appropriation made by section 1 of this act must not be committed for expenditure after June 30, 1996, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 4. Any remaining balance of the appropriation made by section 2 of this act must not be committed for expenditure after June 30, 1997, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 5. This act becomes effective upon passage and approval or on June 30, 1995, whichever occurs earlier.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 171.

Bill read second time.

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

Amendment No. 291.

Amend section 1, page 1, by deleting lines 12 through 14 and inserting:

"*4. A local governing body shall amend its building codes to permit the use of straw or other materials and technologies which conserve scarce natural resources or resources that are slow to renew in the construction of a structure and the use of solar energy for the heating of a structure, to the extent the local climate allows, as intended by:*

(a) Section 105 of the Uniform Building Code adopted by the International Conference of Building Officials in the form most recently published before March 1, 1995; and

(b) Section 103 of the Model Energy Code adopted by the Council of American Building Officials in the form most recently published before March 1, 1995.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Will and Kay Goodnight Thurman.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Heidi Diede, Echo Dillard, Kari Emm, Juli Fisk, Gina Gomez, Courtney Isom, Larilynn Jackson, Sarana Jackson, Thelesa Montoya, Angela Munger, Janice Nixon and David Gelmstedt.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Isaiah J. Pierce.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jono Pesis.

Assemblyman Ernaut moved that the Assembly adjourn until Monday, April 24, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:45 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE NINETY-NINTH DAY

CARSON CITY (Monday), April 24, 1995

Assembly called to order at 11:05 a.m.

Madam Speaker pro Tempore Evans presiding.

Roll called.

All present.

Prayer by the Chaplain, Father Larry Betrozoff.

Let us be silent for a moment and focus your thoughts on when you first ran for public office, and won! Lord God, we ask that You look upon and bless today these servants of the people of Nevada. Stir within them the ideas and excitement which was first a part of their candidacy for public office. Bless the time and work of this day and grant that the accomplishments here be praised by You and by all for years to come. Let all this be accomplished in the power of Your Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 278, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 97, 168, 177; Senate Joint Resolutions Nos. 1, 8, 9, 16; Senate Joint Resolution No. 27 of the 67th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 21, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 31, 32, 125, 174, 179, 188, 191, 262.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 110, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 69.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 327.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 41, 65.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Marvel moved that Assembly Bill No. 22 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Marvel.

Motion carried.

Assemblyman Marvel moved that Senate Bill No. 278 be placed on the Second Reading File.

Remarks by Assemblyman Marvel.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 514—An Act relating to crimes; authorizing the person in control of a public building to determine whether to designate an area for smoking; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 515—An Act relating to public contracting; authorizing a preference for disadvantaged business enterprises; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 516—An Act relating to motor vehicles; making police reports of accidents involving motor vehicles confidential; providing exceptions; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 69.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 327.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 56.

Bill read second time.

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

Amendment No. 203.

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

"Section 1. Chapter 391 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The board of trustees of each school district, individually or in conjunction with other school districts, shall develop and carry out a program to train employees who operate a boiler or other pressure vessel which has a burner input of more than 2,500,000 British thermal units and is located in a public or private elementary or secondary school in this state.

2. The program must consist of instruction in the classroom and applied instruction regarding:

(a) Various types of boilers;

(b) General procedures for the operation of boilers;

(c) Instrumentation, controls and safety devices;

(d) Methods used to control combustion and the flame;

(e) Equipment related to the burning of fuel;

(f) Equipment and accessories related to feed water and water treatment;

(g) Care and maintenance of boilers;

(h) Safety and emergency procedures; and

(i) Any other subjects determined to be appropriate by the board.

3. The board of trustees of each school district shall submit its program and any subsequent modifications to the program, including curricula and materials, to the division of industrial relations of the department of business and industry for its review and comment.

Sec. 2. The instruction provided through programs established pursuant to section 1 of this act to train employees who operate certain pressure vessels must begin not later than July 1, 1996.".

Amend the title of the bill to read as follows:

"An Act relating to schools; requiring the establishment of programs to train employees who operate certain pressure vessels in schools; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires training of operators of large boilers in schools. (BDR 34-809)".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblyman Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 58.

Bill read second time.

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

Amendment No. 204.

Amend the bill as a whole by renumbering sections 4 through 7 as sections 5 through 8 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 607.215 is hereby amended to read as follows:

607.215 1. Within 30 days after the conclusion of the hearing provided for in NRS 607.207, the labor commissioner or a person designated from the commissioner's regular staff shall issue a written decision, setting forth findings of fact and conclusions of law developed at the hearing.

2. The decision, together with the findings of fact and conclusions of law, [shall] *must* be mailed to each of the parties to whom the notice of the hearing was mailed and to any other persons who may have requested notice of the hearing. The decision becomes enforceable 10 days following [such] *the* mailing.

3. [Upon a petition for judicial review, the court may order trial de novo.

4.] A decision issued pursuant to this section is binding on all parties and has the force of law.

4. Any person aggrieved by a decision issued by the labor commissioner or his designee pursuant to this section is entitled to judicial review of the decision in the manner provided by chapter 233B of NRS.".

Amend the title of the bill, fourth line, after "mandatory;" by inserting: "eliminating de novo review of the decisions of the labor commissioner or his designee;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 148.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 188.

Amend sec. 2, page 1, by deleting lines 14 through 22 and inserting: "*this section may use the money for reasonable and necessary expenses incurred by the district in carrying out its duties and authorities in accordance with chapter 548 of NRS and the annual district budget approved by the commission.*".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 156.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 282.

Amend section 1, page 1, line 13, by deleting "season." and inserting: "season [.] *in the following year.*".

Amend section 1, page 1, by deleting lines 17 through 21 and inserting:

"2. *A replacement tag issued pursuant to subsection 1 for the current hunting season is valid for:*

(a) The entire remaining portion of the season for which the original tag was issued; or

(b) If the original tag was issued for a period of a split season, the entire remaining portion of the period for which the original tag was issued or the entire following period, if any.

3. A replacement tag issued pursuant to subsection 1 must be:

(a) Issued for the same unit for which the original tag was issued.

(b) Used in the same manner as or pursuant to the same conditions or restrictions applicable to the original tag.

4. The commission shall adopt by regulation:".

Amend section 1, page 2, after line 6, by inserting:

"*5. For the purposes of this section, "split season" means a season which is divided into two or more periods.*".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 280.

Bill read second time.

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

Amendment No. 257.

Amend sec. 11, page 3, by deleting lines 23 through 26 and inserting:

"*(a) Notify the secretary of state of the resignation or death; and*

(b) Destroy the notary's stamp.".

Amend sec. 15, page 4, between lines 30 and 31, by inserting:

"*3. It is unlawful for any person to represent himself as a notary public appointed pursuant to this section if he has not received a certificate of appointment from the secretary of state pursuant to this chapter.*".

Amend sec. 17, page 5, by deleting lines 2 through 5 and inserting:

"240.017 The secretary of state may adopt regulations prescribing the procedure for the appointment *and voluntary training* of a notary public.".

Amend sec. 21, page 6, by deleting lines 30 through 32 and inserting:

"*(b) A natural born child, stepchild or adopted child;*

(c) A grandchild, brother, sister, half brother, half sister, stepbrother or stepsister;

(d) A grandparent, parent, brother, sister, half brother, half sister, stepbrother or stepsister of the".

Amend sec. 21, page 6, line 34, by deleting "*born, step*" and inserting: "*born child, stepchild*".

Amend sec. 22, page 6, between lines 45 and 46, by inserting:

"*6. Allow any other person to use his notary's stamp.*

7. Allow any other person to sign the notary's name in a notarial capacity.".

Amend sec. 25, page 7, by deleting lines 45 and 46 and inserting:

"*4. A notary public shall keep his journal for the entire period of his appointment.*".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 12.

Resolution read second time.

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

Amendment No. 238.

Amend the resolution, page 1, by deleting lines 4 through 7 and inserting:

"*Sec. 38. 1. The legislature shall not enact any law or provision of law exempting any elected public officer from the provisions of a law otherwise applicable to all members of the general public.*

2. This section applies prospectively from the date of enactment and does not invalidate any provision of law enacted before that date nor limit any further amendment of any such law, except that no new exemption may be amended into an existing law.".

Amend the title of the resolution by deleting the second line and inserting: "exemption for elected public officers from laws".

Amend the summary of the resolution to read as follows:

"Summary—Proposes to amend Nevada constitution to prohibit exemption of elected public officers from laws applicable to general public. (BDR C-1139)".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 51.

Bill read second time and ordered to third reading.

Senate Bill No. 278.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 334.

Amend section 1, page 1, line 1, after "Section 1." by inserting "1.".

Amend section 1, page 1, between lines 4 and 5, by inserting:

"2. For any expenditure made from the sum appropriated pursuant to subsection 1, the state public works board shall submit an itemized statement of expenditures to the interim finance committee for its review and comment.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Lambert moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:36 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Segerblom, de Braga, Giunchigliani, Carpenter, Neighbors, Evans, Dini, Steel, Braunlin, Schneider, Harrington, Price, Williams, Perkins, Ernaut, Stroth, Anderson, Humke, Chowning, Batten, Tripple, Manendo, Monaghan, Bache, Goldwater, Close, Hettrick, Sandoval, Arberry, Spitler, Allard, Krenzer, Ohrenschall, Bennett, Fettic, Nolan, Marvel, Brower, Lambert, Freeman and Buckley:

Assembly Bill No. 517—An Act relating to campaign practices; requiring the legislative counsel to examine and approve the forms for reporting campaign contributions and expenses; revising the periods for reporting campaign contributions and expenses; requiring the forms for reporting campaign expenses to include certain categories of expenditures; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 44.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 44:

YEAS—42.

NAYS—None.

Assembly Bill No. 44 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 59.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Assembly Bill No. 59:

YEAS—42.

NAYS—None.

Assembly Bill No. 59 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 62.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 62:

YEAS—37.

NAYS—Anderson, Bache, Buckley, Giunchigliani, Steel—5.

Assembly Bill No. 62 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 206.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Assembly Bill No. 206:

YEAS—42.

NAYS—None.

Assembly Bill No. 206 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 277.

Bill read third time.

Remarks by Assemblyman Monaghan.

Roll call on Assembly Bill No. 277:

YEAS—42.

NAYS—None.

Assembly Bill No. 277 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 362.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Assembly Bill No. 362:

YEAS—42.

NAYS—None.

Assembly Bill No. 362 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 22.

Bill read third time.

Remarks by Assemblymen Fettic and Lambert.

Roll call on Assembly Bill No. 22:

YEAS—24.

NAYS—Allard, Batten, Brower, Buckley, Ernaut, Evans, Goldwater, Harrington, Humke, Lambert, Manendo, Monaghan, Perkins, Schneider, Spitler, Steel, Stroth, Tripple—18.

Assembly Bill No. 22 having received a constitutional majority, Madam Speaker pro Tempore declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Price, Hettrick, Neighbors, Tiffany, Arberry, Marvel, Spitler, Fettic, Giunchigliani, Evans, Close, Chowning, Brower, Allard, Williams, Harrington, Perkins, Goldwater, Bache, Batten, Humke, Sandoval, Tripple, Monaghan, Manendo, Lambert, Anderson, Stroth, Ernaut, Krenzer, Segerblom, Carpenter, Schneider, Buckley, Nolan, Freeman, Ohrenschall, Bennett, de Braga, Steel, Braunlin and Dini:

Assembly Bill No. 518—An Act relating to the legislature; prohibiting a state agency from taking certain adverse action against an employee who testifies or seeks to testify before a house or committee of the legislature on his own behalf; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Assemblyman Krenzer moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:57 a.m.

ASSEMBLY IN SESSION

At 12:03 p.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman de Braga moved that Senate Bill No. 44 be taken from the Chief Clerk's desk and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bill No. 270; Senate Joint Resolution No. 2; Senate Concurrent Resolution No. 22.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Morris Kanowitz.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Velez and Clem Velez.

On request of Madam Speaker pro Tempore Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Gail Scalzi.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Sandra Hudgens.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Elaine B. Steiner.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Lila Gaye Macey.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Dyer Elementary School: Jonathon Brockman, Nathan Clark, Nick Dowers, Angela Gonzales, William Lemon, Marie Sanches, Misael Soto, Kimberly Singleton, Carmen Armitage, Allen Cornforth, Robert Braun, Chantell Magruder, Bobby Mcanally, Tiffany Singleton and David Butterbredt; teacher Mary Jane Fulgham; chaperone Kathy Smith.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Juanita Williams and Cleve Avery.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Art Rader.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Sally Myers.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, April 25, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:19 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly
LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDREDTH DAY

CARSON CITY (Tuesday), April 25, 1995

Assembly called to order at 11:03 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblymen Freeman and Marvel, who were excused.

Prayer by the Chaplain, Father Jerry Hanley.

Yahweh, Father: God of Abraham, Isaac, Jacob and Nevada. All we have comes from You. We ask Your blessings on those chosen to serve Your people that they may perform their tasks for our good and for our welfare. We pray especially for those who have no voice that can be heard amid the cry for comfort and position. Nourish and protect this Assembly and their families. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Joint Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 143, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 343, 344, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA TIFFANY, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 24, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 33, 391.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 141, 346, 368.

MARY JO MONGELLI
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Assembly Bill No. 171.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Assembly Bill No. 171:
YEAS—40.
NAYS—None.
Absent—Freeman, Marvel—2.

Assembly Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 230.
Bill read third time.
Remarks by Assemblyman Tiffany.
Roll call on Assembly Bill No. 230:
YEAS—40.
NAYS—None.
Absent—Freeman, Marvel—2.

Assembly Bill No. 230 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 44.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Senate Bill No. 44:
YEAS—40.
NAYS—None.
Absent—Freeman, Marvel—2.

Senate Bill No. 44 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 51.
Bill read third time.
Remarks by Assemblyman Krenzer.
Roll call on Senate Bill No. 51:
YEAS—40.
NAYS—None.
Absent—Freeman, Marvel—2.

Senate Bill No. 51 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing musical renditions by the Westergard Elementary School Honor Chorus.

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:40 a.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 158, 368; Senate Bill No. 87, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Concurrent Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 14.
Resolution read.
The following amendment was proposed by the Committee on Education:
Amendment No. 301.
Amend the preamble of the resolution, page 1, by deleting lines 4 and 5.
Assemblyman Williams moved the adoption of the amendment.
Remarks by Assemblyman Williams.
Amendment adopted.
Resolution ordered reprinted and engrossed.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:43 a.m.

ASSEMBLY IN SESSION

At 12:06 p.m.
Mr. Speaker presiding.
Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 519—An Act relating to the Colorado River commission; transferring certain powers and duties from the commission to the Southern Nevada Water Authority; expanding certain duties of the commission; requiring certain water purveyors to pay the cost of certain functions and duties of the commission; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 520—An Act relating to civil actions; revising the immunity from liability for civil damages provided for certain persons who provide emergency obstetrical care; providing such immunity to certain persons who provide medical care to indigent persons, under certain circumstances; limiting the amount of contingent fees which may be collected by an attorney in a cause of action involving medical malpractice; reducing the period during which an action for injury or death may be commenced against a provider of health care; requiring certain assessments of punitive damages to be deposited into the state general fund to be used to administer the state plan for the medically indigent; eliminating the reduction in damages required in actions for personal injury brought against certain providers of health care; limiting the amount which may be awarded for damages for noneconomic losses in certain actions for medical malpractice; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 521—An Act relating to the Elko Convention and Visitors Authority; authorizing the Authority to submit to voters the question of whether additional bonds may be issued and sold; repealing certain obsolete provisions; making certain provisions of NRS applicable to the procedure for bonding pursuant to this act; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblyman Monaghan:

Assembly Bill No. 522—An Act relating to state welfare administration; requiring the welfare division of the department of human resources to establish programs imposing certain educational requirements and responsibilities for academic progress and immunization of dependent children on certain recipients of aid to families with dependent children as a condition of receiving aid; and providing other matters properly relating thereto.

Assemblyman Monaghan moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblymen Stroth, Bennett, Price, Lambert, Allard, Ernaut, Tiffany, Steel and Hettrick:

Assembly Bill No. 523—An Act relating to elections; changing the date of the primary election; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Carpenter, Bennett, Evans and Freeman:

Assembly Bill No. 524—An Act relating to foster care; requiring the division of child and family services of the department of human resources to provide certain information, training and assistance to providers of family foster care; requiring the establishment of a procedure for hearing grievances related to the issuance, suspension or revocation of a license to conduct a family foster home; requiring the division to maintain liability insurance to indemnify such providers against claims made by or on behalf of foster children; requiring the payment of reimbursements to such providers that comply with certain federal standards; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

By Assemblymen Segerblom, Chowning, Giunchigliani, Ohrenschall, de Braga, Price, Bache, Nolan, Dini, Perkins, Krenzer, Goldwater, Arberry, Manendo, Schneider, Williams and Spitler:

Assembly Bill No. 525—An Act relating to Asian-American communities; requiring certain counties to create a commission to study Asian-American communities; and providing other matters properly relating thereto.

Assemblyman Segerblom moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 141.

Assemblyman Ernaut moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 346.

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

Motion carried.

Senate Bill No. 368.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 430.
Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 97.
Bill read second time and ordered to third reading.

Senate Bill No. 168.
Bill read second time and ordered to third reading.

Senate Bill No. 177.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 1.
Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 8.
Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 9.
Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 16.
Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 27 of the 67th Session.
Resolution read second time and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 110.
The following Senate amendment was read:
Amendment No. 239.
Amend sec. 2, page 1, line 16, by deleting "*1.* The" and inserting: "[The]
1. Except as otherwise provided in subsection 2, the".
Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 110.
Remarks by Assemblyman Anderson.
Motion carried.
Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 31, 32, 125, 174, 179, 188, 191, 262; Senate Concurrent Resolutions Nos. 24, 25.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of the Westergard Elementary School Honor Chorus: Katelyn Perez, Emily Frye, Michael Joanndes, Evan Warner, Kyle Wetzler, Sarah Townley,

Amanda Ebert, Amanda Cowle, Stephanie Robinson, Kim Weikel, Michele Bochenski, Jenni Bochenski, Summer Cochran, Crystal Lewis, Kevin Schmidt, Lyndsay Byars, Rebecca Hoynowski, Mikale Clark, Ryan Kass, Dominique Miller, Heather Washburn, Stefani Allen, Brittany Thompson, Jenny Proctor, Stephanie Hernandez, Jessica Ford-Helser, Courtney Cain, Kim Meacham, Michon Jeanney, Andree Warren, Andria Haggard, Megan Gist, Vicky Torres, Elizabeth Hempleman, Christy Griffin, Alicia Almaraz, Tina Schweizer, Sarah McDowell, Melanie Lauguico, Richard Kelley, Jentry Iverson, Christopher Wrede, Alicia Achurra, Baru Gruda, Joey Powell, Lindsay Martindale, Jesse Cardenas, Michelle Houk, Molly Griffin, Melissa Lanning, Curtis Dameron, Alexis Hughes, G. T. Robertson, Maegan Nelson, Sara Wassam, Jennifer Thompson, Kimberly Gonzalez, Stephanie Meacham, Karen Torres, Dawn Cowle and Jennifer P. Yniguez; Director Patty Dickens.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Stacey Martin and Jordan Martin.

Assemblyman Ernaut moved that the Assembly adjourn until Wednesday, April 26, 1995 at 11 a.m., and that it do so in memory of Julia Ruff.

Motion carried.

Assembly adjourned at 12:24 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIRST DAY

CARSON CITY (Wednesday), April 26, 1995

Assembly called to order at 11:01 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblymen Freeman and Williams, who were excused.

Prayer by the Chaplain, Father Larry Betrozoff.

Let us pause for a moment to focus on the work ahead of us and the fact that none of us can accomplish anything by ourselves. Be with us, Lord God, as we work through this day, some having already completed much of their work for the day. Bless the time spent here as servants for the people of Nevada. Bless the entire day, that in time, the labors of the Assembly representatives, may benefit very many people in many excellent ways. We ask this be accomplished in the power of Your Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Joint Resolution No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 84, 131, 133, 259, 297, 313, 393; Senate Bill No. 120, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 308, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Bennett, Dini, Hettrick, Allard, Anderson, Arberry, Bache, Batten, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams:

Assembly Joint Resolution No. 32—Expressing concern and extending condolences to the residents of Oklahoma City.

WHEREAS, The members of the Nevada Legislature and the residents of the State of Nevada were saddened and deeply grieved to learn of the tragedy which befell Oklahoma City on April 19, 1995; and

WHEREAS, This inhumane act of violence has touched the hearts of all Americans as they share with the residents of Oklahoma City in their shock and despair over the loss of innocent lives; and

WHEREAS, The volunteer and professional rescue workers from Oklahoma and all across the country have risked their own lives and demonstrated truly commendable spirit in their heroic efforts to find and aid the survivors of this senseless tragedy; and

WHEREAS, The residents of the State of Nevada extend their heartfelt sympathy to the survivors of the victims, those who were injured and those who continue to mourn the loss of friends, family and loved ones; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the Nevada Legislature, representing all residents of Nevada, express their concern and extend condolences to the residents of Oklahoma City for the tragedy which has befallen this beautiful city; and be it further

RESOLVED, That the Nevada Legislature pledges its full support to the law enforcement efforts to apprehend and convict the perpetrators of this heinous crime; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Governor Frank Keating of Oklahoma and Oklahoma City Mayor Ronald Norick; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

Assemblyman Bennett moved that all rules be suspended, reading so far had considered first reading, rules further suspended, resolution considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Bennett.

Motion carried unanimously.

Assembly Concurrent Resolution No. 14.

Assemblyman Harrington moved the adoption of the resolution.

Remarks by Assemblyman Chowning.

Resolution adopted, as amended.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Labor and Management, to which was referred Assembly Concurrent Resolution No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

DENNIS NOLAN, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which were referred Assembly Bills Nos. 57, 383, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DENNIS NOLAN, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 296, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections and Procedures:

Assembly Bill No. 526—An Act relating to ethics in government; revising the jurisdiction of the commission on ethics; making various changes relating to the confidentiality of the proceedings of the commission and local ethics committees; granting the commission the authority to censure or reprimand a person; authorizing the commission to impose a civil penalty for a violation of confidentiality; prohibiting the legislative auditor and the chief of the office of internal audits access to confidential opinions and related information; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 527—An Act relating to intoxicating liquor; repealing certain provisions governing suppliers of certain intoxicating liquor who are required to hold a certificate of compliance; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Close, Nolan, Spitler, Buckley, Schneider, Goldwater, Evans, Tripple, Manendo, Chowning, Anderson, Arberry, Krenzer, Bennett, Ohrenschall, Segerblom, Price and Giunchigliani:

Assembly Bill No. 528—An Act relating to mobile home parks; requiring a landlord of a mobile home park to offer a rental agreement for a certain period to certain tenants and prospective tenants; prohibiting a landlord from increasing the rent of his tenants to recover the cost of a capital improvement made to the park except under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 529—An Act relating to elections; requiring the provision of additional information concerning convicted felons to county clerks and registrars of voters; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By Assemblymen Braunlin, Batten, Chowning, Carpenter, Williams, Schneider, Sandoval, Steel, Harrington, Bache, Buckley, Tiffany, Segerblom, Manendo, Bennett, Tripple, Marvel, Humke, Spitler, Brower, Anderson, Neighbors, Monaghan, Close, Hettrick, Fettic, Stroth, Nolan, Ernaut, Ohrenschall, Goldwater, Price, Giunchigliani, Arberry, Dini, Lambert, de Braga, Krenzer, Allard, Perkins and Evans:

Assembly Bill No. 530—An Act relating to drivers' licenses; requiring the department of motor vehicles and public safety to establish a procedure for the renewal of licenses by mail; establishing a related fee; revising provisions relating to eye tests for applicants for renewal licenses; and providing other matters properly relating thereto.

Assemblyman Braunlin moved that the bill be referred to the Concurrent Committees on Transportation and Ways and Means.

Motion carried.

By Assemblymen Braunlin, Goldwater, Stroth, Manendo, Brower, Price, Tiffany and Allard:

Assembly Bill No. 531—An Act relating to cosmetology; providing for the regulation and licensure of hair designers; and providing other matters properly relating thereto.

Assemblyman Braunlin moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 20.

Resolution read.

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

Amendment No. 325.

Amend the resolution, page 1, by deleting lines 14 through 16 and inserting: "system to establish a program to inform employers who are newly insured by the system and employees who have filed claims with the system concerning the general operation of the system and their rights and".

Amend the preamble of the resolution, page 1, line 8, by deleting: "have recently been" and inserting "are newly".

Amend the title of the resolution, second line, by deleting: "have recently been" and inserting "are newly".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Concurrent Committee on Elections and Procedures.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Buckley, Anderson, Perkins, Goldwater, Manendo, de Braga, Ohrenschall, Lambert, Bache, Schneider, Fettic, Segerblom, Spitler, Price, Chowning, Bennett, Arberry, Close, Ernaut, Stroth, Allard, Tripple, Harrington, Krenzer, Nolan, Marvel, Giunchigliani and Monaghan:

Assembly Bill No. 532—An Act relating to governmental acquisition of real property; requiring a governmental body to replace or provide monetary payments for dwellings and business establishments that are destroyed or removed from the market as a result of certain acquisitions of real property by that governmental body; and providing other matters properly relating thereto.

Assemblyman Buckley moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 143.

Bill read second time.

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

Amendment No. 339.

Amend section 1, page 1, line 11, by deleting "*aviation field,*".

Amend section 1, page 1, by deleting line 14 and inserting:

"2. *If the county has a planning commission, the board shall refer the application to the planning commission which shall consider the application and submit its recommendation to the board.*

3. The board shall hold at least one public hearing upon the application. Notice of the time and place of the hearing must be:

(a) Published at least once in a newspaper of general circulation in the county;

(b) Mailed to all owners of record of real property located within 300 feet from the land proposed for conveyance; and

(c) Posted in a conspicuous place on the property and, in this case, must set forth additionally the extent of the application for conveyance.

The hearing must be held not less than 10 days nor more than 40 days after the notice is so published, mailed and posted.

4. The board may approve such an application after a hearing if".

Amend section 1, page 1, by deleting line 20 and inserting: "*5. If the board approves such an application, it*".

Amend section 1, page 2, line 1, by deleting "*4.*" and inserting:

"*6. The board shall prepare annually a list and description of any property conveyed to a nonprofit organization pursuant to this section for inclusion in the annual audit of the county conducted pursuant to NRS 354.624.*

7.".

Amend section 1, page 2, between lines 5 and 6, by inserting:

"8. For the purposes of this section, "nonprofit organization" means an organization that is recognized as exempt under section 501(c)(3) of the Internal Revenue Code of 1986 in effect on October 1, 1995, future amendments to that section and the corresponding provisions of future internal revenue laws.".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 354.624 is hereby amended to read as follows:

354.624 1. Each local government shall provide for an annual audit of all of its:

(a) Funds;

(b) Account groups; and

(c) Separate accounts established pursuant to NRS 354.603.

A local government may provide for more frequent audits as it deems necessary. Except as *otherwise* provided in subsection 2, each annual audit must be concluded and the report of the audit submitted to the governing body as provided in subsection 5 not later than 5 months after the close of the fiscal year for which the audit is conducted. An extension of this time may be granted by the department of taxation to any local government which makes application for an extension. If the local government fails to provide for an audit in accordance with the provisions of this section, the department of taxation shall cause the audit to be made at the expense of the local government. All audits must be made by a public accountant certified or registered or by a partnership or professional corporation registered under the provisions of chapter 628 of NRS.

2. The annual audit of a school district must be concluded and the report submitted to the board of trustees as provided in subsection 5 not later than 4 months after the close of the fiscal year for which the audit is conducted.

3. The governing body may, without requiring competitive bids, designate the auditor or firm annually. The auditor or firm must be designated not later than 3 months before the close of the fiscal year for which the audit is to be made.

4. Each annual audit must cover the business of the local government during the full fiscal year. It must be a financial audit conducted in accordance with generally accepted auditing standards, including comment on compliance with statutes and regulations, recommendations for improvements and any other comments deemed pertinent by the auditor, including his expression of opinion on the financial statements. The form of the financial statements must be prescribed by the department of taxation, and the chart of accounts must be as nearly as possible the same as that used in the preparation and publication of the annual budget. [The] *Except as otherwise provided in subsection 5, the* report of the audit must include:

(a) A schedule of all fees imposed by the local government which were subject to the provisions of NRS 354.5989; and

(b) A comparison of operations of the local government with the approved budget and a statement from the auditor that previously noted deficiencies in

operations and previously made recommendations for improvements contained in previous reports have been acted upon by adoption as recommended, adoption with modifications or rejection.

5. *The report of the annual audit of a county must also include a list and description of any property conveyed to a nonprofit organization pursuant to section 1 of this act.*

6. The recommendations and the summary of the narrative comments contained in the report of the audit must be read in full at a meeting of the governing body held not more than 30 days after the report is submitted to it. Immediately thereafter, the entire report, together with any related letter to the governing body required by generally accepted auditing standards or by regulations adopted pursuant to NRS 354.594, must be filed as a public record with:

(a) The clerk or secretary of the governing body;

(b) The county clerk;

(c) The department of taxation; and

(d) In the case of a school district, the department of education.

[6.] *7.* The governing body shall act upon the recommendations of the report of the audit within 6 months after receipt of the report, unless prompter action is required concerning violations of law or regulation, by setting forth in its minutes its intention to adopt the recommendations, to adopt them with modifications or to reject them for reasons shown in the minutes.''.

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblymen Lambert and Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 158.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 302.

Amend section 1, page 1, line 5, by deleting ''or attitude'' and inserting ''[or attitude]''.

Amend section 1, page 1, line 8, by deleting ''reputable'' and inserting ''[reputable] *qualified*''.

Amend section 1, page 1, line 11, after ''trustees.'' by inserting: ''*As used in this subsection, ''physician'' does not include a chiropractic physician or a homeopathic physician.*''.

Assemblyman Harrington moved the adoption of the amendment.

Remarks by Assemblyman Harrington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 343.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 344.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 305.

Amend sec. 2, page 1, line 4, by deleting: "*and license plates*".

Amend sec. 3, page 1, by deleting lines 8 and 9 and inserting:

"*(a) Accept applications for the registration of the new motor vehicles he sells and the related fees and taxes;*".

Amend sec. 3, page 1, line 10, by deleting: "*and license plates*".

Amend sec. 3, page 1, line 16, by deleting: "*and license plates*".

Amend sec. 3, page 2, line 2, by deleting "*and*".

Amend sec. 3, page 2, line 3, by deleting the period and inserting: "*; and*

(d) Bear any cost of equipment which is necessary to issue certificates of registration, including any computer hardware or software.".

Amend sec. 3, page 2, line 5, by deleting: "*and license plates*".

Amend sec. 3, page 2, line 13, by deleting the period and inserting: "*, or to claim the exemption from the vehicle privilege tax provided pursuant to NRS 361.1565 to veterans and their relations.*".

Amend sec. 3, page 2, by deleting line 16 and inserting: "*section must provide for:*

(a) The expedient and secure issuance of license plates and decals by the department; and

(b) The withdrawal of the authority granted to a new".

Amend sec. 12, page 5, by deleting lines 24 and 25 and inserting:

"(d) Issue a certificate of registration . [, together with]

(e) If the registration is performed by the department, issue the regular license plate or plates.

(f) If the registration is performed by a registered dealer, provide information to the owner regarding the manner in which the regular license plate or plates will be made available to him.".

Amend sec. 12, page 5, line 33, after "*fees*" by inserting "*and taxes*".

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

Amend the bill as a whole by deleting sec. 15 and renumbering sec. 16 as sec. 14.

Amend sec. 16, page 8, line 24, by deleting the period and inserting: "[.] *by the department.*".

Amend the bill as a whole by deleting sec. 17 and adding a new section designated sec. 15, following sec. 16, to read as follows:

"Sec. 15. NRS 482.423 is hereby amended to read as follows:

482.423 1. When a new vehicle is sold in this state, the seller shall complete and execute a manufacturer's certificate of origin or a manufacturer's statement of origin and, unless the vehicle is sold to a licensed dealer, a dealer's report of sale. The dealer's report of sale must be in a form prescribed by the department and must include:

(a) A description of the vehicle;

(b) The name and address of the seller; and

(c) The name and address of the buyer.

If in connection with the sale a security interest is taken or retained by the seller to secure all or part of the purchase price, or a security interest is taken by a person who gives value to enable the buyer to acquire rights in the vehicle, the name and address of the secured party or his assignee must be entered on the dealer's report of sale and on the manufacturer's certificate or statement of origin.

2. Unless an extension of time is granted by the department, the seller shall:

(a) Submit the original of the dealer's report of sale and the manufacturer's certificate or statement of origin to the department within 20 days after the execution of the dealer's report of sale; and

(b) Furnish one copy of the report to the buyer.

One copy must be affixed to the right front windshield of the vehicle, which permits the vehicle to be operated for a period not to exceed [10] *20* days. Upon the issuance of the certificate of registration *and license plates* for the vehicle or the expiration of [10] *20* days after the sale, whichever occurs first, the buyer shall remove the copy from the windshield of the vehicle.

3. For the purposes of establishing compliance with the period required by paragraph (a) of subsection 2, the department shall use the date imprinted or otherwise indicated on the dealer's report of sale as the beginning date of the 20-day period.

4. The department shall furnish a special permit for use when a contract of sale is entered to enable the buyer to operate the vehicle for a period not to exceed 10 days. Upon execution of all required documents to complete the sale of a vehicle, the dealer shall remove this permit and execute a dealer's report of sale as required by this section.".

Amend the title of the bill, second and third lines, by deleting: "and license plates".

Amend the summary of the bill, second line, by deleting: "and license plates".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Bill No. 368 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Giunchigliani.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 17.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 87.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 300.

Amend section 1, page 1, by deleting lines 10 and 11 and inserting: "*alternative scheduling,* if the board of trustees demonstrates".

Assemblyman Harrington moved the adoption of the amendment.

Remarks by Assemblyman Harrington.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 56.

Bill read third time.

Assemblyman Marvel moved that Assembly Bill No. 56 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Marvel moved that Assembly Bill No. 58 be taken from the General File and re-referred to the Committee on Ways and Means.

Assemblyman Nolan moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 11:33 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Marvel withdrew his motion.

Assemblyman Marvel moved that the action whereby Assembly Bill No. 56 was taken from the General File and re-referred to the Committee on Ways and Means be rescinded.

Motion carried.

Assemblyman Marvel moved that Assembly Bill No. 56 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Marvel.

Motion carried.

Assemblyman Marvel moved that Assembly Bill No. 58 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Marvel.

Motion carried.

Assemblyman Price moved that Senate Bill No. 278 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Price.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 156.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Assembly Bill No. 156:

YEAS—40.

NAYS—None.

Absent—Freeman, Williams—2.

Assembly Bill No. 156 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 280.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Bill No. 280:

YEAS—40.

NAYS—None.

Absent—Freeman, Williams—2.

Assembly Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 430.

Bill read third time.

Remarks by Assemblymen Arberry and Bache.

Assemblyman Arberry moved that Assembly Bill No. 430 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Joint Resolution No. 12.

Resolution read third time.

Remarks by Assemblyman Bennett.

Roll call on Assembly Joint Resolution No. 12:

YEAS—40.

NAYS—None.

Absent—Freeman, Williams—2.

Assembly Joint Resolution No. 12 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 97, 168, 177; Senate Joint Resolutions Nos. 1, 8, 9, 16, 27 of the 67th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 32.

Resolution read third time.

Remarks by Assemblyman Bennett.

Roll call on Assembly Joint Resolution No. 32:

YEAS—40.

NAYS—None.

Absent—Freeman, Williams—2.

Assembly Joint Resolution No. 32 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Neighbors, Price, Chowning, Manendo, Arberry, Williams, Schneider, Harrington, Perkins, Stroth, Allard, Giunchigliani, Nolan, Krenzer, Ohrenschall, Steel, Braunlin, Fettic, Segerblom, Goldwater, Evans, Carpenter, Lambert, Brower, Sandoval, Spitler, Tripple, Monaghan, Anderson, Humke, Bache, Close, Dini, Buckley, de Braga, Marvel, Hettrick and Ernaut:

Assembly Bill No. 533—An Act relating to highways; designating a portion of state highway Route No. 375 as "The Extraterrestrial Alien Highway"; directing the department of transportation to erect and maintain suitable markers; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Economic Development and Tourism.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 33, 110, 391.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Joi Davis, Patty Hicks, Don Gray, Joyce Gray and Janel Davis.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Corbett.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Liston and Sara Kaufman.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to Vicki Shell and Sylvia Mays.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Dyan Merritt.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Marlene Staub.

On request of Assemblyman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Janine Sprout.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Susie Hult.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Jackie Valley.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Bobbie Mikesell.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Pryor, Pat Menath and the following students of Churchill County Junior High School: Annabelle Baldwin, Ronda Banks, Ronnie Bell, Christine Blair, Patrick Corbett, Halie Ellifritz, Veronica Erb, Tim Findley, Melissa Getto, Samantha Hammon, Travis Hansen, Kari Hendrix, Brian Hegerle, Erin Hegerle, Sage Hiibel, John Hyde, Tyler Ingram, Michelle Johnson, Jennifer Kramer, Jamie Laca, Jared Laca, Emily Mackedon, Theresa McKnight, Jessica Miller, Raeanne Moore, Marvel Murphy, Rebekah Newman, Mike Olsen, Natalie Parrish, Scott Peterson, Sam Phompadith, Kim Radonski, Marikris Rapista, Melinda Reynolds, Mathew Schottel, Analie Smith, Summer Smith, Jamie Snow, Amy Steuart, Colleen Sullivan, Aleah VanWoert, Tim Ward, Ashley Weed, Ferne Williams and Katie Wolff; teacher Gaye Johnston; chaperones Theresa Mackedon and Joanne Tanner.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Betty Day, Laverna Marwin, Shari Davis, David Dini and Karen Dini.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Kelly Christie and Kathleen Thiessens.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Marci Wehry, June Schmidt and the following students of the University of Reno, Nevada; University Nevada, Las Vegas and Western Nevada Community College: Glenn Booth, Jason Frierson, Eric Woods, Janelle Silva, Alex Criswell, Brian Hickey, Dan Oster, Erica Jones, Chris Ferrari, Peter Hartigan, Mike Leblanc, D. J. Bornilla, Amber Joiner, Justin Puttock, Brian Fralick, Doug Flowers, Colin Beck, Christopher Mello, Victor Sherbondy, Michael David, Bill Jones, Sean Canty, Sabrina McKinley, Willie Romero, Patrick Smith, Terrence Carroll, Carl Tolber, Geofrey Faysad, Gail Evans, Terry Morrow, Joe Mills and Shawna Campbell.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Day.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Prudic and Irene Davis.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Cindy Southerland, Melissa Reed and Frances M. Hill.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Jacqueline Sneddon.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen Thompson.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Sins.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Bonnie Sue Borda and Ellen Hanners.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Yhvona Martin, Dale Gray, Jonnie Sue Hansen and Debbie Salabar.

On request of Assemblyman Monaghan, the privilege of the floor of the Assembly Chamber for this day was extended to Terry Horgan.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Donna Hancock.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Carnahan.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Cecilia Hackman.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Maria Kelderman.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Nykki Kinsley.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Carol Dickerson.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Iris Bellinger and Chris Shaw.

On request of Assemblyman Steel, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Maynick.

On request of Assemblyman Stroth, the privilege of the floor of the Assembly Chamber for this day was extended to Carolyn Grabski.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Moss.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, April 27, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:20 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SECOND DAY

CARSON CITY (Thursday), April 27, 1995

Assembly called to order at 11:11 a.m.

Madam Speaker pro Tempore Tiffany presiding.

Roll called.

All present except Assemblyman Freeman, who was excused.

Prayer by the Chaplain, Father Larry Betrozoff.

Let us pause for a moment and focus on the power that we each have inside us, activating our heartbeat, giving us power to think and decide, keeping us alive and on the go. Creator God, open our minds and hearts and tune us in to Your life of grace and goodness teeming around us. Let the work of this day, today, be especially satisfying, a special gift from You. Bless the work of all, as it benefits all the constituents represented here in this room. Above all, Lord God, continue to hold us in Your love and keep us working on the many good tasks ahead that we may accomplish them all in the power of Your Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 26, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 387.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 282.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Senate Bills Nos. 71, 72, 125, 139, 189, 248, 293.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 114.

MARY JO MONGELLI
Assistant Secretary of the Senate

Assemblyman Close moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.

Madam Speaker pro Tempore presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Braunlin, Brower, Buckley, Chowning, de Braga, Evans, Freeman, Giunchigliani, Krenzer, Lambert, Monaghan, Ohrenschall, Segerblom, Steel, Stroth, Tiffany, Tripple, Dini, Hettrick, Manendo, Goldwater, Close, Humke, Harrington, Williams, Bennett, Batten, Neighbors, Perkins, Spitler, Arberry, Price, Sandoval, Anderson, Schneider, Bache, Nolan, Allard, Carpenter, Fettic, Marvel and Ernaut:

Assembly Concurrent Resolution No. 25—Commemorates the 75th anniversary of the ratification of the 19th Amendment to the Constitution of the United States of America.

WHEREAS, In July 1848, the first Women's Rights Convention was held at Seneca Falls, New York, at which the Declaration of Sentiments was adopted, advocating, among other propositions, that women be granted the right to vote and stating "[w]e hold these truths to be self-evident: that all men and women are created equal"; and

WHEREAS, In the seven decades following the Women's Rights Convention, the proposition that women be granted the right to vote became a subject of heated public debate and discussion, upon which numerous marches were held and speeches were made, some nearly resulting in riots; and

WHEREAS, In 1890, Wyoming became the first state to grant women the right to vote, and in 1914, the women of Nevada were granted the right to vote; and

WHEREAS, In 1918, President Woodrow Wilson urged the Congress of the United States to adopt a proposed amendment to the Constitution of the United States of America granting the right to vote to all American women; and

WHEREAS, In 1918, the House of Representatives adopted a proposed amendment to the Constitution of the United States of America stating that "[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex"; and

WHEREAS, In 1919, the Senate adopted the proposed amendment and sent it to the states for ratification; and

WHEREAS, At the urging of Sadie Dotson Hurst, Nevada's first female legislator, the Honorable Emmet D. Boyle, Governor of the State of Nevada, called a special session of the Nevada Legislature for the purpose of ratifying the proposed amendment; and

WHEREAS, When the special session of the Legislature convened on February 7, 1920, Assemblywoman Hurst introduced Assembly Joint and Concurrent Resolution No. 1, ratifying the proposed amendment, and presided over the Assembly during the final consideration of the resolution; and

WHEREAS, In a special session lasting just over 4 hours, the Assembly passed the resolution ratifying the proposed amendment by a vote of 25 to 1, while the Senate passed the resolution unanimously; and

WHEREAS, Governor Boyle signed the resolution the same day, in the presence of Assemblywoman Hurst and many of the women in Nevada who had been instrumental in the fight for women's suffrage, making Nevada the 28th state to ratify the proposed amendment; and

WHEREAS, On August 26, 1920, the State of Tennessee became the 36th and final state to ratify the 19th Amendment; and

WHEREAS, The ratification of the 19th Amendment granted 26 million American women the right to vote; and

WHEREAS, The 19th Amendment was ratified before the presidential election of November 1920, allowing those 26 million American women to vote in that election, including 91-year-old Charlotte Woodward, the only surviving woman to have signed the Declaration of Sentiments 72 years earlier in Seneca Falls; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature and the citizens it represents commemorate the 75th anniversary of the ratification of the 19th Amendment to the Constitution of the United States of America; and be it further

RESOLVED, That the Nevada Legislature finds that the female voters of today are grateful for the courage, determination and persistence of our nation's great women who fought diligently for so many years to win the right to vote, including Elizabeth Cady Stanton, Lucretia Mott, Susan B. Anthony, Alice Paul, Carrie Chapman Catt and Anne Martin, a native Nevadan.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Carpenter, Lambert, Krenzer, de Braga, Price, Segerblom, Chowning, Ohrenschall and Tiffany.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EVANS:

Thank you, Madam Speaker pro Tempore. I recall some years ago having a conversation with my young daughter and some of her friends on the subject of voting. When I explained to them that women didn't always have the right to vote, they at first laughed. They thought that I was kidding. And then, I had to go and get some reference books to show them the 19th Amendment and convince them that this was, indeed, the case. Their humor turned to outrage because the young women today, I don't believe, can understand that they should not be on equal footing.

Winning the right to vote was a long and arduous struggle. Throughout the last half of the 19th and 20th centuries, women's suffrage was associated with a general effort to expand economical and political rights, emancipation, the populist movement and the settling of the frontier in a progressive era. We can all say with great pride that the West led the way, and indeed, by 1914, New Mexico was the only western state that had failed to give women the right to vote. It is both amazing and quaint to read the history of the suffrage movement and note some of the reasons and arguments against it. To wit: "Women's timidity and modesty require them to rely on the strength of men." "Giving women the quality of rights would threaten their character of dependence and weakness that has been ordained for their own protection." "Giving women the right to vote would dissolve the family union." And finally, my favorite, "The activities of politics and higher education will cause a woman's womb to shrink."

Those kinds of arguments seem very long ago and very much out of context with today's woman. But, I am proud to stand here in support of this resolution, Madam Speaker pro Tempore, it is a pleasure to see you standing at the rostrum and I urge support by this assembly. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Madam Speaker pro Tempore. I stand in support of Assembly Concurrent Resolution No. 25. I don't want to get into the differences between men and women, but I do want to read a little story out of a book called *Women's West.* It is quite an interesting book and this little story is entitled simply "The Vote." "As I had been blessed with a more than usually harmonious marriage, and enjoyed the natural ability to express my ideas on paper in a somewhat marked degree, it devolved upon me to voice the opinions of many women who were too timid or were not allowed by their husbands to speak for themselves." stated Abigail Scott Duniway, considered the person most responsible for bringing the right to vote to the western woman.

Abigail was born in 1834 on an Illinois farm. One of her earliest memories was of her mother saying upon the birth of her ninth child, "Poor baby, she'll be a woman some day and a woman's lot is so hard."

In 1852 the family came west over the Oregon Trail. Abigail married, had four children and wrote a small novel, *Captain Gray's Companion.* She helped establish the Oregon State Equal Suffrage Association, founded a newspaper dedicated to equal rights and began touring six western states, traveling by horseback, stagecoach, riverboat and rail. She recalled, "It was no small task to travel, often by night, over the terrible roads of the Pacific Northwest, lecturing from three to five evenings every week."

Abigail reached men through their mothers, wives and daughters; preaching to the women, "All the laws recognize the husband and wife as one, and the husband is that one. The wife is legally dead. Now is the time for women to rise up and secure their full and complete enfranchisement."

The women of Wyoming were the first to be given equal political rights in 1869, followed by Colorado in 1893 and three years later by Utah and Idaho. The men of Oregon finally succumbed to Abigail and the times, granting women the right to vote in 1912. Nevada joined two years later, in 1914. Madam Speaker pro Tempore, I rise in support of Assembly Concurrent Resolution No. 25.

ASSEMBLYMAN LAMBERT:

Thank you, Madam Speaker pro Tempore. I am grateful that you didn't say "elder" or anything else like that. That is truly appreciated. Thank you. It is appropriate on the 75th anniversary of women's suffrage that women today who enjoy the right to vote give some thanks to women of the past who worked so hard to get that right for us.

I would also like to point out to this body that back in 1920, in a special session when Nevada approved the proposed amendment, that the session only lasted four hours. I think that was probably the birth of efficient and effective government in Nevada.

ASSEMBLYMAN KRENZER:

Thank you, Madam Speaker pro Tempore. I rise in support of Assembly Concurrent Resolution No. 25. It is indeed an honor for me to rise before this body. It is also an honor for each one of us to sit in these chairs and to press these buttons. My great-great grandmother and great grandmother were not extended the privilege to do that, or to run for an office.

The *Nevada Citizen,* published in 1897, printed the words of Florence Williamson who said, "There is no meaning in life except development; conscientious, progressive development. We ask no compliment, because we are women. We ask justice, because we are human. Carrie Chapman Catt came to Nevada in 1920 when the petition was finally passed, 75 years ago, and said, "We are no longer petitioners, but free and equal citizens. Let us do our part to keep it a true and triumphant democracy. Thank you, Madam Speaker pro Tempore.

ASSEMBLYMAN DE BRAGA:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Assembly Concurrent Resolution No. 25, the resolution commemorating the 75th anniversary of women being granted the right to vote.

No one knows for sure when, in the evolutionary process, instinct turned to reason and thought, but a good estimate is that it took men some 48,000 years to conclude that women are on the same level with them intellectually. I like that affirmation of equal footing.

I hate stories like the one where the reporter said to Winston Churchill, "What do you say, sir, to the prediction that in the year 2000, women will be running the world?" Churchill is said to have replied, "They still will, eh?" I hate the fact that there's a women's caucus. I hate the fact that women were ever thought to be the lesser of the sexes by virtue of being the weaker of the sexes.

This myth was invented by the caveman, Smiling Simeon, the very night he discovered there was a difference between the two. Simeon found, quite by accident, that he could satisfy his craving for salt by licking his neighbor's cheek. Simeon also discovered that it was a lot more satisfying if the neighbor was a female. Then, everybody forgot about the salt.

I hate it that some time, in antiquity, it was determined that the standard for excellence was physical strength, and that the measure of superiority was control.

The 19th Amendment is not about voting. It is about equality. And, as we recognize this particular milestone, we must also recognize that it was simply a step, but it was not a journey completed. The journey will end only when men and women learn to respect the God-given right of each of us; not only to act like idiots, Lord knows, we've had 48,000 years of that, but the unconditional right to have equal control over our lives.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Assembly Concurrent Resolution No. 25. I am very proud and happy to be able to be here supporting this resolution today. I have asked for our research library to send over some material, and I got all kinds of great stuff for reading.

I am fortunate that I came to Nevada 40 years ago from the state that was first to grant women suffrage, Wyoming, and Nevada followed not too far behind. When we were talking about the western states leading the way, I read just a little about the reason for that. One of the political reasons was that men were hoping to get more women out West to join them. It was certainly a good move on their part. Along with the right to vote were many other rights that were established for women, including the right to serve on juries.

Most of you know I am married to a very fine elected official, and one year for her birthday I thought I would get a newspaper from New Jersey where she was born. I decoupaged a little table for her with this newspaper from the day she was born. On top of the table, was the story saying that on the day she was born they passed the law to allow women to serve on a jury in New Jersey. So, it hasn't been all that long ago. I was reading some of the arguments that were being quoted earlier, in 1920, in the halls across the parkway, and one of the arguments from Abner Cleveland, who was a legislator from Roop and Washoe counties and was not in support of allowing the vote. His argument was that God himself established the women's sphere, and it is not for men to question the wisdom of God. Women should not have the right to vote, God said so. However, fortunately, he must have been getting his message from somewhere else and I have been fortunate to serve with many fine women legislators during my time here. I'm glad that we are passing this resolution in your honor today.

ASSEMBLYMAN SEGERBLOM:

Thank you, Madam Speaker pro Tempore. On a lighter side, I must support Assembly Concurrent Resolution No. 25. Many of you don't realize that it is a wonder that I'm here because my grandfather, Johnny Bell, a minister from Humboldt County, voted against women's suffrage in 1913. But, you know what I read in the paper? He took the train to San Francisco. He did not go back to Winnemucca. But, the women got him the next election, so I'm here.

ASSEMBLYMAN CHOWNING:

Thank you, Madam Speaker pro Tempore, and what a pleasure it is to be able to say "Madam Speaker pro Tempore." I am just so grateful to be a member of this honorable body, and being the mother of three daughters, I have, along with a wonderful husband, raised them to be fiercely independent and to be able to feel that they have the opportunity to pursue whatever path they wish; to take and pursue whatever career they wish. But, just think about that. Our grandmothers did not have that opportunity. And, we take it for granted. I just can't tell you how honored I am to be able to be a member of this body and work so closely and so positively with my fellow male colleagues and my female colleagues. I just want to tell you that my co-chairman of Transportation is ever so grateful to have the opportunity to work with his female counterparts. He told me so.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Madam Speaker pro Tempore. I rise in support of Assembly Concurrent Resolution No. 25 because I feel the ideals of universal suffrage and socio-economic equality constitute a sacred trust that we must all pass on to our daughters, but also to our sons. It is something that they are both beneficiaries of, and we must let them know the benefits of it. Thank you.

Speaker pro Tempore Tiffany requested the privilege of the Chair for the purpose of making the following remarks:

I think it's worth noting that Nevada has gotten behind the 19th Amendment program. Women have at one time or another been elected to four of our six constitutional offices. One of our two representatives in the House of Representatives is a woman. We have two Speakers pro Tempore, an Assistant Floor Leader and an Assistant Whip who are women. The Minority Leader and the Majority Leader of the Senate are women. Seventeen of 42

members of the Assembly and five of the 21 members of the Senate are women. Our woman Chief Clerk and her staff make it possible for the legislature to function every day. Twelve women chair or co-chair committees of the Assembly and the Senate. Two of our largest cities have women who are mayors and many other elected officials at the local level. And, it won't be long, my gentlemen colleagues, before from Washington, D.C., we will be hearing the term Madam President.

Resolution adopted unanimously.

Assemblyman Krenzer moved that all rules be suspended and that Assembly Concurrent Resolution No. 25 be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 26—Congratulating Dr. Charles Elachi for being selected as the recipient of the Nevada Medal given by the Desert Research Institute and sponsored by Nevada Bell.

WHEREAS, Scientists have made extraordinary advances in understanding the earth's environment largely because of the breakthroughs in radar technology which allow scientists to view the Earth from space; and

WHEREAS, Dr. Charles Elachi has been a dominant figure in the development of the remote sensing technologies that have made these important breakthroughs possible; and

WHEREAS, Dr. Elachi began his advanced education in Grenoble, France, where he earned his Bachelor's Degrees in physics and engineering; and

WHEREAS, After receiving Master's Degrees in electrical science, geology and business administration, Dr. Elachi received his Doctorate in electrical sciences from the California Institute of Technology in Pasadena in 1971; and

WHEREAS, Dr. Elachi has continued to work for NASA's Jet Propulsion Laboratory at the California Institute of Technology in Pasadena and is the Assistant Laboratory Director for Space Science and Instruments; and

WHEREAS, Dr. Elachi is a member of the National Academy of Engineering and a Fellow of the Institute of Electrical and Electronics Engineers, holds four patents for his work and is the author of more than 200 publications, including six books; and

WHEREAS, Dr. Elachi's design and development of the Shuttle Imaging Radar-A, known widely by the acronym SIR-A, was carried on the second test flight of the space shuttle Columbia in November 1981; and

WHEREAS, Features of the Earth's surface were delineated in great detail by SIR-A, and in the extremely dry areas of the eastern Sahara Desert, the radar system penetrated the surface sand sheets to a depth of several meters revealing rock, alluvial deposits and drainage structures, all quite undetectable from surface indication or from more conventional imaging; and

WHEREAS, SIR-B, an imaging radar system of yet greater capability, provided surface images at a variety of incidence angles and illumination geometries, making possible the construction of stereoscopic images from the data; and

WHEREAS, Dr. Elachi has recently been selected as the Radar Team Leader for the Cassini mission to Saturn and he is the principal investigator on the development of the SIR-C, an even more capable system; and

WHEREAS, Dr. Elachi's achievements and continuing contributions in this advanced technology have been recognized and he is being honored this year as the recipient of the Nevada Medal, which includes a $5,000 prize; and

WHEREAS, The Nevada Medal is an honor conferred by the Desert Research Institute of the University and Community College System of Nevada in recognition of outstanding scientific, engineering and technical achievements; and

WHEREAS, The Nevada Medal is sponsored by Nevada Bell, a member of the Pacific Telesis group and provider of a variety of telecommunication services to northern Nevada; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 68th session of the Nevada Legislature hereby congratulate Dr. Charles Elachi for being named the recipient of the 1995 Nevada Medal given by the Desert Research Institute; and be it further

RESOLVED, That Nevada Bell is hereby commended for their continued sponsorship of this medal, which offers well-deserved recognition to persons who have demonstrated outstanding scientific, engineering and technical achievements; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Dr. Charles Elachi.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani and Dini.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Madam Speaker pro Tempore. I would offer my congratulations as well, but I offer my time to Speaker Dini. Thank you.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. It is indeed my honor to have seated with me, Doctor Charles Elachi and his wife. First, let me describe the Nevada Medal which he received. It's a national award given annually by the Desert Research Institute to recognize and stimulate outstanding scientific, engineering and technical achievements that have contributed to improved understanding of our global environment. The Desert Research Institute is a nonprofit arm of the University Nevada system, which is statewide and has high esteem throughout the world. Dr. Charles Elachi, who will receive the 1995 Nevada Medal, has been a dominant figure in the development of the remote sensing technologies that have made these important breakthroughs possible. For more than 20 years, Dr. Elachi has conceived, designed and constructed instrumentation to take advantage of orbiting satellites and space shuttle flights. What's good for the earth is appropriate for other planets, too, and he is also applying his efforts to interplanetary exploratory missions.

Last spring and this fall, new earth observing radar techniques developed under Dr. Elachi's direction provided the world with stunning images of the earth from orbiting space shuttles. Some of these exciting views were beamed virtually direct to evening news programs, and the data bases acquired during the flights will require another generation of researchers to exhaust.

Dr. Elachi works out of NASA's Jet Propulsion Laboratory at the California Institute of Technology in Pasadena, where he received his Ph.D. in electrical sciences in 1971. He has also earned three master's degrees in electrical science, geology and business administration, after earning his bachelor's degree in physics at the University of Grenoble, and a Diploma Ing. in engineering from the Institute Polytechnique de Grenoble, both in France. Dr. Elachi is currently JPL, Cal Tech's assistant laboratory director for space science and instruments.

Among many other honors and accomplishments, he is a member of the National Academy of Engineering, a Fellow of the Institute of Electrical and Electronic Engineers, holds four patents for his work and has authored more than 200 publications, including six books. So now you can understand that we are honoring here, today, a man with significant contributions to the world's betterment. I strongly support the adoption of this resolution. Thank you.

Resolution adopted unanimously.

Assemblyman Giunchigliani moved that all rules be suspended and that Assembly Concurrent Resolution No. 26 be immediately transmitted to the Senate.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Concurrent Resolution No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 27, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 26.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 24.

Resolution read.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 350.

Amend the resolution, page 2, by deleting lines 7 through 24 and inserting:

"3. Reduce the sum of money authorized for the South Fork State Recreation Area by $42,231;

4. Reduce the sum of money authorized for the Washoe Lake State Park by $27,667;

5. Reduce the sum of money authorized for the Ward Charcoal Ovens State Historic Park by $23,731;

6. Increase the sum of money authorized for the Kershaw Canyon-Ryan State Park by $28,977;

7. Increase the sum of money authorized for the Spring Mountain Ranch State Park by $8,081;

8. Increase the sum of money authorized for the Valley of Fire State Park by $4,448;

9. Increase the sum of money authorized for the Big Bend of the Colorado State Recreation Area by $2,962;

10. Increase the sum of money authorized for the Floyd R. Lamb State Park by $15,311; and

11. Increase the sum of money authorized for the Cathedral Gorge State Park by $129,875;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Senate Concurrent Resolution No. 26.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblymen Hettrick, Close, Price, Giunchigliani and Anderson.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

SPEAKER HETTRICK:

Thank you, Madam Speaker pro Tempore. One hundred years ago, Henry Ford built his very first automobile. He called it a quadricycle. After selling this unpublicized car, the 32-year-old inventor went on to build a second. Ten years later, the Piquette Avenue plant in Detroit was gearing up to produce the first assembly line car, the venerable Model T.

Prior to the mass-produced automobile, people relied on public transportation, horses and horse-drawn conveyences, or bicycles. The motorcar opened new vistas for Americans, both in moving goods more conveniently as well as creating personal mobility.

It wasn't until after World War II that the automobile became an icon for success in America. Each manufacturer ballyhooed the style and change for the coming year, not unlike women's fashions. Excessive chrome and size were the hallmarks of the 1950s automobiles. In the sixties, power became the status symbol for automobiles with hemi engines, Cobras and pony cars leading the field and vying for personal choice.

We saw the 1970s bring about gas rationing, which caused the auto industry to think about "down-sizing" their products. But Americans still preferred the well-known American car, the land-yacht. As the 1980s drew to an end, the economy car began to find a niche in American garages. But for sheer fun, a collector shared space for leisure time activities and a growing segment of our American population.

Today, as we honor the collector car hobby, we note the beneficial impact this specialized interest has had in our state. Nearly every parade in Nevada has featured vintage cars carrying dignitaries as part of the event. Those vehicles are always donated by their owners who are most proud of those automobiles. Charitable shows, rides in convertibles for the elderly, and Reno's own, Hot August Nights are testimonials to the popularity and impact of the collector car within this state. How fitting today, nearly 100 years from the time that one of the very first automobiles was created, we pay tribute to the families, the individuals and the collectors who strive to keep a part of history alive and enjoyable for everyone else. It's a hobby of sharing. A point of nostalgia. Our lives are just a little bit richer for being part of the collector car experience.

I want to tell you, it is a privilege for me to support this resolution. I am the proud owner and current "would-be" builder of a 1937 Ford. I believe the collector car and antique automobiles are, indeed, an important part of our economy and well worth our time and effort. Thank you, Madam Speaker pro Tempore.

ASSEMBLYMAN CLOSE:

Thank you, Madam Speaker pro Tempore. I would like to rise in support of Senate Concurrent Resolution No. 26. As a proud owner of a 1956 Thunderbird, which doesn't see much light of day, and for the time and effort I put forth to create my car, I'm sure if we multiplied that by time people put in their cars, you would be amazed at the number of hours that are spent on them.

I agree with Speaker Hettrick on the great asset this is to our community, both in the north and the south, and the economic development which it provides to our great State of Nevada. I think to car collectors it is more than a hobby. It is a past, a love and part of our culture, of our society. Without that, I think we would be surely remiss by not having this available to us. I would surely encourage each of you to see the vehicles which are on the grounds of this building today, so you can see the time and effort these individuals have put in their cars. Likewise, they are being presented at the Sawyer Office Building at the

same time they are being shown today. I would say with a little bit of encouragement, if my bill passes, many of these cars will have the classic vehicle license plates on them, also. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Senate Concurrent Resolution No. 26. I'm proud to also own a collector car, a very special car, my 1966 Ford. I forgot about the cars being outside this morning. Someone suggested that, if perhaps, we take a one minute recess, I could take my car out and put it with the other collector cars. It represents the type of collector's item that a legislator can afford after serving here as long as I have. You can look forward to that, Mr. Close. I do think it is wonderful that we are recognizing this very fine hobby this morning. Thank you.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Senate Concurrent Resolution No. 26. I happen to be the owner of a 1940 Chevy. Unfortunately, it will not qualify for my co-chair's bill, because it is a hot rod. It has a 350 Corvette engine and a Chevy Nova front end which makes it not a classic. But, my husband and I do own a 1967 Pontiac Bonneville convertible which qualifies. I will support this resolution. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Senate Concurrent Resolution No. 26. Since I have the attention of so many collectors, may I inquire if anyone out there would know where I might find a wand indicator light for my 1961 Morris Minor? Thank you.

Resolution adopted unanimously.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 27, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 27.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 27.

Assemblyman Krenzer moved the adoption of the resolution.

Remarks by Assemblymen Krenzer, Dini, Buckley, Hettrick, Segerblom, Giunchigliani and Price.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN KRENZER:

Thank you, Madam Speaker pro Tempore. In 1791, the bicameral system was setup with the Senate and the House. So apparently, not to be out done, our Senators have sent us over a resolution also commemorating this day. However, I do want to applaud their efforts. This is also done in conjunction with the National Foundation of Women Legislators and I do support this resolution. Thank you.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore. I guess I've served with 75 percent of the ladies that served in this house the last 30 years. So, does that give me the privilege to speak one more time?

As you know, we had two distinguished lady legislators here with us today, Jean Ford and Sue Wagner. They really are people that are close to my heart in all the years that I've served here. They both represented the height of integrity and the desire to have high

ethics in these chambers. They always fought for that. They were excellent legislators. They did their homework. They worked hard to make these houses look respectable and to be honored throughout our country.

There is a lady that was not mentioned this morning that I served my first term with. She was from Clark County. Her name was Flora Dungan. She was really a feisty little lady. She caused reapportionment when she filed a suit in 1965 and caused the 1966 reapportionment. I served on the Elections Committee with her. It was a five-man committee; three Democrats and two Republicans. We had a lot more committees in those days, but smaller numbers on them. She taught me the art of being a committee chairman. She showed me how you worked the system to get what you wanted. She fought Governor Laxalt at that time over the 18-year-old voting. Of course, Governor Laxalt had put that in his State of the State as a priority. However, the Democrats thought it was their priority, so it didn't get passed that year.

I have been impressed with the women that I have served with in these chambers over the years. I think we should pay honor to the ladies that have served in these chambers in the past 100 years.

ASSEMBLYMAN BUCKLEY:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of this resolution. And, I think it only appropriate in addition to honoring Flora Dungan, Sue Wagner and Jean Ford, strong women who have paved the way, to recognize three other women legislators: Joan Lambert, Jan Evans and Vivian Freeman who have served in this body for quite a number of terms and who, along with these other ladies, have paved the way, especially for us freshmen women legislators. I'd like to thank them.

ASSEMBLYMAN HETTRICK:

Thank you, Madam Speaker pro Tempore. I rise in support of Senate Concurrent Resolution No. 27. I just wanted to tell you that I thought I deserved honorable mention because about a third of my mail comes to Assemblywoman Lynn Hettrick.

ASSEMBLYMAN SEGERBLOM:

Thank you, Madam Speaker pro Tempore. I must rise in support of this resolution because my mother served here before Joe Dini. In 1935, my mother, Hazel Bell Wines, was in this Assembly chamber even though my grandpa voted against women's right to vote.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Madam Speaker pro Tempore. I, too, rise in support of Senate Concurrent Resolution No. 27. I would like to mention two other ladies that I think helped pave the way. Mary Gojack; many of us may have known Mary for years, and I think she truly was a pioneer. Also, the woman that I succeeded, who many of you know, Eileen Brookman. She sends her fond hellos. She was my assemblywoman, and hopefully, I have followed in her footsteps. However, I've never cut off Mr. Speaker's tie as she has been known to do.

I think it's also appropriate for us women to thank the men we serve with as well. We do appreciate your support. We sure hope that you will show up tonight. You are welcome to the dinner as Ms. Krenzer informed you. You are now kept men; you did come cheap. Thank you, very much.

ASSEMBLYMAN PRICE:

Thank you, Madam Speaker pro Tempore. I, too, had the honor of serving with all of the above-mentioned that we have been talking about except Helen, who left, I believe, the session before I got here. But I have to say, every woman legislator that comes to my mind has been an excellent representative. And I can remember one who actually used to try to read all of the bills, which is something very few of us guys do. But, I mean seriously, she tried to go through everything. They have all been hard working and have served us well, and I'm proud to have had the opportunity to be sharing my period of time with all of those wonderful people.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 534—An Act relating to children; expanding the authority of courts and certain public agencies to protect a child exposed to domestic violence; providing for the annual instruction of certain educational personnel regarding the abuse and neglect of children; authorizing the placement under foster care of a child at risk of abduction; increasing the criminal penalty for the abduction of a child by a parent with joint legal custody; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 535—An Act relating to crimes against the person; revising the provisions governing the penalty and the penalty hearing for first degree murder; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 536—An Act relating to local financial administration; providing a procedure for the financial administration of a local government in a severe financial emergency; providing immunity for certain actions; changing the name of the local governmental advisory committee; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Humke, Hettrick, Marvel, Carpenter, Neighbors, de Braga, Fettic, Goldwater, Bennett, Ohrenschall and Ernaut:

Assembly Bill No. 537—An Act relating to wildlife; establishing a system of demerit points for violations of certain provisions relating to wildlife; revising the definitions of "hunting," "fishing" and "trapping" to exclude persons providing certain acts of assistance; restricting entry onto private property by persons enforcing provisions relating to wildlife; revising the penalties for hunting, trapping or fishing without a license or permit and for falsely procuring a big game tag; authorizing the placement or setting of certain traps near a main or general county road; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Humke, Schneider, Carpenter, Ohrenschall, Manendo, Monaghan, Steel, Stroth, Sandoval, Lambert, Fettic, Bennett, Nolan, Arberry, Braunlin, Ernaut, Chowning, Allard, Hettrick and Marvel:

Assembly Bill No. 538—An Act relating to administrative regulations; imposing a temporary moratorium on the adoption of regulations by state agencies; creating an advisory committee to study state regulations and prescribing its duties; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 71.

Assemblyman Ernaut moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 72.

Assemblyman Ernaut moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 125.

Assemblyman Ernaut moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 139.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 189.

Assemblyman Ernaut moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 248.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 282.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 293.

Assemblyman Ernaut moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 24.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 338.

Amend section 1, page 1, line 3, by deleting the brackets.

Amend section 1, page 1, line 7, by deleting the bracket.

Amend section 1, page 1, by deleting line 8 and inserting: "July 1, 1997.".

Amend the title of the bill, first line, by deleting "retaining" and inserting "extending".

Amend the summary of the bill, first line, by deleting "Retains" and inserting "Extends".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 57.

Bill read second time.

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

Amendment No. 286.

Amend section 1, page 1, line 2, by deleting the open bracket.

Amend section 1, page 1, by deleting lines 16 through 22 and inserting:

"7. A [uniformed] *:*

(a) Uniformed employee of *; or*

(b) Forensic specialist employed by,

the department of prisons whose position requires regular and frequent contact with the offenders imprisoned and subjects the employee to recall in emergencies; [and]

8. A parole and probation officer of the division of parole and probation of the department of motor vehicles and public safety [.] *; and*

9. A forensic specialist or correctional officer employed by the mental hygiene and mental retardation division of the department of human resources at facilities for mentally disordered offenders.".

Amend the title of the bill, by deleting the second through fourth lines and inserting: "erning eligibility for benefits for diseases of the heart or lungs; and providing other matters properly relating thereto.".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblyman Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 84.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 321.

Amend section 1, page 1, line 7, by deleting the semicolon and inserting: "[;] *or the crime is an act which constitutes domestic violence as set forth in NRS 33.018;*".

Amend section 1, page 1, by deleting lines 15 through 25 and inserting:

"4. The alcoholic or drug addict has a record of [one] *two* or more convictions of a crime described in subsection 1 or 2, a similar crime in violation of the laws of another state, or of [two] *three* or more convictions of any felony;

5. Other criminal proceedings alleging commission of a felony are pending against the alcoholic or drug addict;

6. The alcoholic or drug addict is on probation or parole and the appropriate parole or probation authority does not consent to the election; or

7. The alcoholic or drug addict elected and was admitted, pursuant to NRS 458.290 to 458.350, inclusive, to a program of treatment *not more than twice* within the preceding 5 years.".

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding new sections, designated sections 2 and 3, following section 1, to read as follows:

"Sec. 2. NRS 458.320 is hereby amended to read as follows:

458.320 1. If the court, after a hearing, determines that a person is entitled to accept the treatment offered pursuant to NRS 458.310, the court shall order an approved facility for the treatment of abuse of alcohol or drugs to conduct an examination of the person to determine whether he is an alcoholic or drug addict and is likely to be rehabilitated through treatment. The facility shall report to the court the results of the examination and recommend whether the person should be placed under supervision for treatment.

2. If the court, acting on the report or other relevant information, determines that the person is not an alcoholic or drug addict, is not likely to be rehabilitated through treatment or is otherwise not a good candidate for treatment, he may be sentenced and the sentence executed.

3. If the court determines that the person is an alcoholic or drug addict, is likely to be rehabilitated through treatment and is a good candidate for treatment, the court may:

(a) Impose any conditions to the election of treatment that could be imposed as conditions of probation;

(b) Defer sentencing until such time, if any, as sentencing is authorized pursuant to NRS 458.330; and

(c) Place the person under the supervision of an approved facility for treatment for not less than 1 year nor more than 3 years.

The court may require such progress reports on the treatment of the person as it deems necessary.

4. *A person who is placed under the supervision of an approved facility for treatment shall pay the cost of the program of treatment to which he is assigned and the cost of any additional supervision that may be required, to the extent of his financial resources. The court may issue a judgment in favor of the court or facility for treatment for the costs of the treatment and supervision which remain unpaid at the conclusion of the treatment. Such a judgment constitutes a lien in like manner as a judgment for money rendered*

in a civil action, but in no event may the amount of the judgment include any amount of the debt which was extinguished by the successful completion of community service pursuant to subsection 5.

5. If the person who is placed under the supervision of an approved facility for treatment does not have the financial resources to pay all of the related costs:

(a) The court shall, to the extent practicable, arrange for the person to be assigned to a program at a facility that receives a sufficient amount of federal or state funding to offset the remainder of the costs; and

(b) The court may order the person to perform supervised work for the benefit of the community in lieu of paying the remainder of the costs relating to his treatment and supervision. The work must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents. The court may require the person to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the person performs the work, unless, in the case of industrial insurance, it is provided by the authority for which he performs the work.

6. No person may be placed under the supervision of a facility under this section unless the facility accepts him for treatment.

Sec. 3. NRS 458.330 is hereby amended to read as follows:

458.330 1. Whenever a person is placed under the supervision of a treatment facility, his sentencing must be deferred, and , *except as otherwise provided in subsection 4,* his conviction must be set aside if the treatment facility certifies to the court that he has satisfactorily completed the treatment program, and the court approves the certification and determines that the conditions upon the election of treatment have been satisfied.

2. If, upon the expiration of the treatment period, the treatment facility has yet to certify that the person has completed his treatment program, the court shall sentence him. If he has satisfied the conditions to the election of treatment and the court believes that he will complete his treatment on a voluntary basis, it may, in its discretion, set the conviction aside.

3. If, before the treatment period expires, the treatment facility determines that the person is not likely to benefit from further treatment at the facility, it shall so advise the court. The court shall then:

(a) Arrange for the transfer of the person to a more suitable treatment facility, if any; or

(b) Terminate the supervision and conduct a hearing to determine whether the person should be sentenced.

Whenever a person is sentenced under this section, time spent in institutional care must be deducted from any sentence imposed.

4. Regardless of whether the person successfully completes treatment, the court shall not set aside the conviction of a person who has a record of two or more convictions of any felony.".

Amend sec. 2, page 2, line 1, by deleting "The" and inserting "1. The".

Amend sec. 2, page 2, after line 4, by inserting:

"2. The amendatory provisions of section 2 of this act do not apply to a criminal offender whose criminal conduct occurred before October 1, 1995.

3. The amendatory provisions of section 3 of this act do not apply to a criminal offender who was assigned to a program of treatment pursuant to NRS 453.580 before October 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to civil commitment; revising the circumstances under which an alcoholic or a drug addict convicted of a crime is eligible to elect treatment for the abuse of alcohol or drugs before sentencing; requiring such a person to pay for that treatment to the extent of his financial resources; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing placement of criminal offenders in programs of treatment for abuse of alcohol and drugs before sentencing. (BDR 40-234)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 131.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 270.

Amend sec. 2, page 1, by deleting lines 4 through 8 and inserting: "*interfaced similar games which are located at two or more licensed gaming establishments that are linked to conduct gaming activities, contests or tournaments.*".

Amend sec. 3, page 1, line 13, by deleting the period and inserting: ", *and who is authorized to share in the revenue from the linked games without having been individually licensed to conduct gaming at the establishment.*".

Amend the bill as a whole by renumbering sections 8 through 10 as sections 9 through 11 and adding a new section designated sec. 8, following sec. 7, to read as follows:

"Sec. 8. NRS 463.0157 is hereby amended to read as follows:

463.0157 1. "Gaming employee" means any person connected directly with an operator of a slot route, the operator of a pari-mutuel system *, the operator of an inter-casino linked system* or a manufacturer, distributor or disseminator, or with the operation of a gaming establishment licensed to conduct any game, 16 or more slot machines, a race book, sports pool or pari-mutuel wagering, including:

(a) Accounting or internal auditing personnel who are directly involved in any recordkeeping or the examination of records associated with revenue from gaming;

(b) Boxmen;

(c) Cashiers;
(d) Change personnel;
(e) Counting room personnel;
(f) Dealers;
(g) Employees of a person required by NRS 464.010 to be licensed to operate an off-track pari-mutuel system;
(h) Employees of a person required by NRS 463.430 to be licensed to disseminate information concerning racing;
(i) Employees of manufacturers or distributors of gaming equipment within this state whose duties are directly involved with the manufacture, repair or distribution of gaming equipment;
(j) Employees of operators of slot routes who have keys for slot machines or who accept and transport revenue from the slot drop;
(k) *Employees of operators of inter-casino linked systems;*
(l) Floormen;
[(l)] *(m)* Hosts or other persons empowered to extend credit or complimentary services;
[(m)] *(n)* Keno runners;
[(n)] *(o)* Keno writers;
[(o)] *(p)* Machine mechanics;
[(p)] *(q)* Odds makers and line setters;
[(q)] *(r)* Security personnel;
[(r)] *(s)* Shift or pit bosses;
[(s)] *(t)* Shills;
[(t)] *(u)* Supervisors or managers; and
[(u)] *(v)* Ticket writers.
2. "Gaming employee" does not include bartenders, cocktail waitresses or other persons engaged exclusively in preparing or serving food or beverages.".

Amend sec. 8, page 2, line 16, by deleting the period and inserting: "[.] , *except that losses in a contest or tournament conducted in conjunction with an inter-casino linked system may be deducted to the extent of the compensation received for the right to participate in that contest or tournament.*".

Amend sec. 8, page 2, line 23, by deleting the semicolon and inserting: "[;] , *except for a contest or tournament conducted in conjunction with an inter-casino linked system;*".

Amend sec. 9, page 3, line 7, after "device," by inserting: "*inter-casino linked system,*".

Amend sec. 10, page 3, lines 36 and 37, by deleting: "*on the system.*" and inserting: "*from the linked games.*".

Amend the bill as a whole by renumbering sections 11 through 14 as sections 13 through 16 and adding a new section designated sec. 12, following sec. 10, to read as follows:

"Sec. 12. NRS 463.370 is hereby amended to read as follows:

463.370 1. Except as otherwise provided in NRS 463.373, the commission shall charge and collect from each licensee a license fee based upon all the gross revenue of the licensee as follows:

Three percent of all the gross revenue of the licensee which does not exceed $50,000 per calendar month;

Four percent of all the gross revenue of the licensee which exceeds $50,000 per calendar month and does not exceed $134,000 per calendar month; and

Six and one-quarter percent of all the gross revenue of the licensee which exceeds $134,000 per calendar month.

2. Unless the licensee has been operating for less than a full calendar month, the commission shall charge and collect the fee prescribed in subsection 1, based upon the gross revenue for the preceding calendar month, on or before the 24th day of the following month. Except for the fee based on the first full month of operation, the fee is an estimated payment of the license fee for the third month following the month whose gross revenue is used as its basis.

3. When a licensee has been operating for less than a full calendar month, the commission shall charge and collect the fee prescribed in subsection 1, based on the gross revenue received during that month, on or before the 24th day of the following calendar month of operation. After the first full calendar month of operation, the commission shall charge and collect the fee based on the gross revenue received during that month, on or before the 24th day of the following calendar month. The payment of the fee due for the first full calendar month of operation must be accompanied by the payment of a fee equal to three times the fee for the first full calendar month. This additional amount is an estimated payment of the license fees for the next three calendar months. Thereafter, each license fee must be paid in the manner described in subsection 2. Any deposit held by the commission on July 1, 1969, must be treated as an advance estimated payment.

4. All revenue received from any game or gaming device which is [leased for operation on the premises of the licensee-owner to a person other than the owner thereof, or located in an area or space on the premises which is leased by the licensee-owner to any such person, must be attributed to the owner for the purposes of this section and be counted as part of the gross revenue of the owner. The lessee is liable to the owner for his proportionate share of the license fees.] *operated on the premises of a licensee, regardless of whether any portion of the revenue is shared with any other person, must be attributed to the licensee for the purposes of this section and counted as part of the gross revenue of the licensee. Any other person who is authorized to receive a share of the revenue is liable to the licensee for his proportionate share of the license fees paid pursuant to this section.*

5. Any person required to pay a fee pursuant to this section shall file with the commission, on or before the 24th day of each calendar month, a report showing the amount of all gross revenue received during the preceding calendar month. Each report must be accompanied by:

(a) The fee due based on the revenue of the month covered by the report; and

(b) An adjustment for the difference between the estimated fee previously paid for the month covered by the report, if any, and the fee due for the actual gross revenue earned in that month. If the adjustment is less than zero, a credit must be applied to the estimated fee due with that report.

6. If the amount of license fees required to be reported and paid pursuant to this section is later determined to be greater or less than the amount actually reported and paid by the licensee, the commission shall:

(a) Charge and collect the additional license fees determined to be due, with interest thereon until paid; or

(b) Refund any overpayment, with interest thereon, to the licensee.

Interest must be computed at the rate prescribed in NRS 17.130 from the first day of the first month following either the due date of the additional license fees or the date of overpayment until paid.

7. Failure to pay the fees provided for in this section shall be deemed a surrender of the license at the expiration of the period for which the estimated payment of fees has been made, as established in subsection 2.

8. Except as otherwise provided in NRS 463.386, the amount of the fee prescribed in subsection 1 must not be prorated.

9. Except as otherwise provided in NRS 463.386, if a licensee ceases operation, the commission shall:

(a) Charge and collect the additional license fees determined to be due with interest; or

(b) Refund any overpayment, with interest thereon, to the licensee,

based upon the gross revenue of the licensee during the last 3 months immediately preceding the cessation of operation, or portions of those last 3 months.

10. If in any month, the amount of gross revenue is less than zero, the licensee may offset the loss against gross revenue in succeeding months until the loss has been fully offset.

11. If in any month, the amount of the license fee due is less than zero, the licensee is entitled to receive a credit against any license fees due in succeeding months until the credit has been fully offset.''.

Amend sec. 11, page 4, by deleting lines 10 through 13 and inserting: ''*of a payout from a game played in an inter-casino linked system except for a payout made in conjunction with a card game. The amount of the deduction must be determined based upon the written agreement among the licensed gaming establishments participating in the inter-casino linked system and the operator of the system. All cash prizes and the value of noncash prizes awarded during a contest or tournament conducted in conjunction with an inter-casino linked system are also deductible on a pro rata basis to the extent of the compensation received for the right to participate in that contest or tournament. The deductions may be taken only by those participating licensed gaming establishments that held an active gaming*''.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 133.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 183.

Amend section 1, page 2, line 22, by deleting "*confidential*".

Amend sec. 3, page 3, by deleting line 41 and inserting: "463.172 A person [owning an interest in a gaming establishment]".

Amend sec. 3, page 3, by deleting line 45 and inserting: "interest as the *sole trustee and the* sole beneficiary [. The settlor of such a trust] *during his lifetime. Such a person* must file a copy of".

Amend sec. 3, page 3, by deleting lines 47 and 48 and inserting: "*administrative approval from the chairman of the board* before the transfer of the interest becomes effective and before the effective date of any amendment. *An administrative approval received pursuant to this section relates back to the date on which the trust was executed.*".

Amend the bill as a whole by deleting section 4 and renumbering sections 5 through 12 as sections 4 through 11.

Amend sec. 6, page 7, by deleting lines 1 and 2 and inserting: "*payment of interest if it finds that the claimant has failed to file a claim for a refund within 90 days after receiving written notification of overpayment from the board or has impeded the*".

Amend sec. 10, page 8, line 14, by deleting: "*evidence of indebtedness*" and inserting "*debt security*".

Amend sec. 10, page 8, lines 16 and 17, by deleting: "*evidence of indebtedness*" and inserting "*debt security*".

Amend sec. 10, page 8, line 39, by deleting: "*evidence of indebtedness*" and inserting "*debt security*".

Amend sec. 10, page 9, lines 6 and 7, by deleting: "*evidence of indebtedness*" and inserting "*debt security*".

Amend sec. 10, page 9, between lines 9 and 10, by inserting:

"*9. As used in this section, "debt security" means any instrument generally recognized as a corporate security representing money owed and reflected as debt on the financial statement of a publicly traded corporation, including, but not limited to, bonds, notes and debentures.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 269.

Amend section 1, page 1, by deleting lines 3 through 5 and inserting:

"*1. The supreme court may sit, hear and decide cases in randomly selected panels of three justices.*".

Amend sec. 3, page 2, by deleting lines 15 through 20 and inserting:

"*4. At the general election in 1996, two additional justices must be chosen for terms of 4 years which expire on the first Monday in January 2001.*

5. At the general election in 1996, and every sixth year respectively thereafter, in addition to the justices elected pursuant to subsection 4, two justices".

Amend sec. 4, page 2, by deleting lines 46 and 47 and inserting:

"*4. The justices elected pursuant to subsection 4 of NRS 2.030 and their respective succes-*".

Amend sec. 6, page 3, by deleting line 11 and inserting:

"Sec. 6. 1. This section and section 1 of this act become effective on July 1, 1995.

2. Section 3 of this act becomes effective on January 1, 1996.

3. Sections 2, 4 and 5 of this act become effective on January 1, 1997.".

Amend the title of the bill, second line, by deleting: "initial appointment and subsequent".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson, Dini and Giunchigliani.

Assemblyman Dini moved that Assembly Bill No. 259 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Assemblymen Humke, Lambert and Hettrick requested a roll call on Assemblyman Dini's motion.

Roll call on Assemblyman Dini's motion:

YEAS—29.

NAYS—Allard, Batten, Braunlin, Carpenter, Humke, Lambert, Monaghan, Sandoval, Steel, Stroth, Tiffany, Tripple—12.

Absent—Freeman.

The motion having received a majority, Madam Speaker pro Tempore declared it carried.

Assembly Bill No. 296.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 360.

Amend section 1, page 1, by deleting line 2 and inserting: "391.040 1. The commission [may] *shall* fix fees of not less than [$25] *$65* for the".

Amend the title of the bill, first line, by deleting "distribution of".

Amend the summary of the bill, first line, by deleting "distribution of".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 297.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 348.

Amend section 1, page 1, line 17, by deleting "[must] *shall*" and inserting "shall".

Amend section 1, page 1, line 19, by deleting "[must] *shall*" and inserting "shall".

Amend section 1, page 2, by deleting lines 5 through 9 and inserting:

"(e) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.".

Amend section 1, page 2, by deleting lines 19 through 33 and inserting:

"2. *If the court finds that a child has committed a delinquent act, the court may:*

(a) Order the parent or guardian of the child to attend or participate in counseling, alone or together with the child. The counseling required may include, but is not limited to, counseling regarding parenting skills, alcohol or substance abuse or techniques of dispute resolution.

(b) If the child has been adjudicated on at least one separate occasion of having committed a delinquent act, impose a civil penalty on the parent or guardian of the child. The civil penalty imposed must not exceed the maximum fine that could have been imposed on an adult had the adult been convicted of the acts the child is adjudicated as having committed. If the parent or guardian of the child is unable to pay the civil penalty, or as an additional penalty, or both, the court may order the parent or guardian to perform public service.

The money collected from the imposition of a civil penalty must be deposited with the county treasurer for credit to the county general fund.".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Section 1 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 308.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 267.

Amend section 1, page 2, line 44, after "*that is*" by inserting: "*operated pursuant to NRS 432B.325 or*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 313.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 319.

Amend section 1, page 2, line 7, after the period by inserting: "For the purposes of this subparagraph, the price paid for a game tag sold pursuant to NRS 502.145 by an owner, lessee or manager of the premises shall not be deemed consideration given for permission to hunt on the premises.".

Amend section 1, page 2, by deleting lines 13 and 14.

Amend section 1, page 2, line 17, by deleting "*includes:*" and inserting: "*includes, but is not limited to:*".

Amend the title of the bill by deleting the third through fifth lines and inserting: "public land or participate in recreational activities on those premises; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 383.

Bill read second time.

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

Amendment No. 285.

Amend sec. 2, page 2, line 8, by deleting "or" and inserting "[or]".

Amend sec. 2, page 2, line 10, by deleting the period and inserting: "[.] ; *or*

(c) Holds a license to operate a nonrestricted gaming operation in this state.".

Amend sec. 3, page 2, line 17, by deleting "*The*" and inserting: "*Except as otherwise provided in this subsection, the*".

Amend sec. 3, page 2, line 22, after the period by inserting: "*The bond need not be conditioned upon the payment of any wages due to the persons who are the celebrity headliners in the production or the executive personnel, managers or supervisors.*".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblyman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 393.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 340.

Amend sec. 12, page 7, line 19, by deleting the period and inserting: "*and the court may order the detention of the child in the same manner as if the child had committed an act that would have been a felony if committed by an adult.*".

Amend sec. 12, page 8, by deleting line 28 and inserting:

"*(d) Within an area in which the discharge of firearms has not been prohibited by local ordinance or regulation and he is engaging in a lawful hunting activity in accordance with chapter 502 of NRS for which a license is not required;*

(e) Traveling to or from any activity described in paragraph (a), (b), (c) or (d),".

Amend sec. 12, page 8, line 30, by deleting "*(e)*" and inserting "*(f)*".

Amend sec. 12, page 8, line 32, by deleting "*(f)*" and inserting "*(g)*".

Amend sec. 12, page 8, line 35, by deleting "*(f),*" and inserting "*(g),*".

Amend sec. 21, page 13, line 42, after "*5*" by inserting "*or 6*".

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

"Sec. 24. Section 1 of Assembly Bill No. 125 of this session is hereby amended to read as follows:

Section 1. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212, if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) Place the child, when he is not in school, under the supervision of [a] *:*

(1) A public organization to work on public projects *;*

(2) A public agency to work on projects to eradicate graffiti; or [a]

(3) A private nonprofit organization to perform *other* public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. *As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.*

(f) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(g) Require the child to provide restitution to the victim of the crime which the child has committed.

(h) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

(i) Order the parent, guardian or custodian of the child, and any brothers, sisters or other persons living in the same household as the child over whom the court has jurisdiction to attend or participate in counseling, alone or together with the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse or techniques of dispute resolution.

2. If the court finds that the child is a serious or chronic offender, it may, in addition to the options set forth in subsection 1 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public.

3. At any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

4. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

5. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 120.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 318.

Amend sec. 4, page 2, line 3, after "*district,*" by inserting: "*the superintendent of schools of that school district*".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. This act becomes effective upon passage and approval.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Joint Resolution No. 15.

Resolution read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 343.

Bill read third time.

Remarks by Assemblyman Spitler.

Assemblyman Spitler moved that Assembly Bill No. 343 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Spitler.

Motion carried.

Assembly Bill No. 344.

Bill read third time.

Remarks by Assemblymen Brower, Fettic and Price.

Potential conflicts of interest declared by Assemblymen Fettic and Price.

Roll call on Assembly Bill No. 344:

YEAS—36.

NAYS—Goldwater, Steel—2.

Absent—Freeman.

Not voting—Carpenter, Chowning, Schneider—3.

Assembly Bill No. 344 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 17.

Resolution read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Joint Resolution No. 17:

YEAS—41.

NAYS—None.

Absent—Freeman.

Assembly Joint Resolution No. 17 having received a constitutional majority, Madam Speaker pro Tempore declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bills Nos. 97, 168, 177; Senate Joint Resolutions Nos. 1, 8, 9, 16, 27 of the 67th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Schneider, Steel, Goldwater, Manendo, Harrington, Braunlin, Buckley, Brower, Spitler, Humke and Hettrick:

Assembly Bill No. 539—An Act relating to gaming; making it unlawful under certain circumstances for gaming licensees willfully to fail to pay for certain parts specifically made for their gaming devices; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Schneider moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Schneider, Steel, Harrington, Krenzer, Braunlin, Dini, Buckley, Brower, Sptiler, Humke and Hettrick:

Assembly Bill No. 540—An Act relating to justices' courts; increasing the monetary limit on the size of a claim for money that may be adjudicated in justices' courts under the procedure for small claims; increasing the monetary limit of the jurisdiction of justices' courts; and providing other matters properly relating thereto.

Assemblyman Schneider moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bills Nos. 44, 51, 114.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Stephen P. Knowles.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Andrea Level and Barb Wellington.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Ruby Anderson and Trena Maretto Cornella.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Sue Wagner and the following students from Robert Mitchell Elementary School: Giov Aparicio-Rivas, Laura Avila, Christina Camacho, Jans Cruz, Lisa Eisenhour, Sean Franco, Miguel Garcia, Samantha Guinn, Javier Hernandez, Justin Lepp, Richard Mafield, Toetuu Malafu, Michelle Martin, Jeremiah McVicker, Nicholas Mitchell, Megan Moors, Krystal Nesbitt, Jerry Nunn, Nicholas Polisso, Mari Riddle, Timothy Ross, Janet Snyder, Rodrigo Tello, Kandice Turley, Jimmy Uc, Sunny Whittey, Patrice Williams, Kevin Lee, Richie Manatora and Mele Taufa; teacher Marilyn Raines.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Blanche Zucker-Bozarth.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Alicia Smally.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Ford.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Maclellan E. King, Jr.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to James Sohns and Laura Lea Evans.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Belinda Quilici and Grace Powerie.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Monte Greenawalt.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Beth Garside.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to James Vladimir Taranik and Colleen Taranik.

Assemblyman Ernaut moved that the Assembly adjourn until Friday, April 28, 1995 at 11 a.m., and that it do so in memory of Ray E. Blehm, Jr., Nevada State Fire Marshal.

Motion carried.

Assembly adjourned at 1:19 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRD DAY

CARSON CITY (Friday), April 28, 1995

Assembly called to order at 11:07 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblyman Freeman, who was excused.

Prayer by the Chaplain, Father Jerry Hanley.

We pray first for Father John Bain, who celebrated last night, 25 years of service to Nevadans. I recently found seven precepts of life forming the lives of the Wasichus, a native American tribe: To pray for the health of the people, to pray for the health of the unborn generations, to help others, to share with others, to strive for happiness, to walk in quietness and to care for others. As it was for them, O God, make it so for us. Bless this day and this Assembly and speak clearly to us all. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 172, 173, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. CARPENTER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, April 27, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 60, 273.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Assembly Bill No. 186, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 32.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 25, 26.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 317, 387.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 298.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 24.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblyman Arberry.

Resolution adopted, as amended.

By Assemblymen Krenzer, Nolan, Fettic, Steel, Braunlin, Goldwater, Schneider, Harrington, Ohrenschall, Bennett, Price, Perkins, Marvel, Ernaut, Arberry, Close, Giunchigliani, Stroth, Allard, Bache, Anderson, Humke, Chowning, Batten, Carpenter, de Braga, Manendo, Monaghan, Sandoval, Hettrick, Dini, Spitler, Tiffany, Segerblom, Tripple, Lambert, Buckley, Brower, Evans, Williams, Neighbors and Freeman:

Assembly Concurrent Resolution No. 27—Designating April 28, 1995, as Workers Memorial Day in Nevada.

WHEREAS, On April 28, 1995, the American Federation of Labor and Congress of Industrial Organizations will observe Workers Memorial Day, a day to remember workers who have been killed, injured or diseased on the job and to renew the commitment to prevent these tragedies in the future; and

WHEREAS, This date has significance in that it is the anniversary of the Occupational Safety and Health Act; and

WHEREAS, Every year more than 6 million workers are killed, injured or diseased on the job which amounts to approximately one worker every 5 seconds; and

WHEREAS, In the State of Nevada there have been over 70 deaths caused in work-related injuries in the past 2½ years; and

WHEREAS, Too often these tragedies and the devastation they cause for the workers, their families and co-workers are quickly forgotten; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 68th session of the Nevada Legislature hereby designate April 28, 1995, as Workers Memorial Day, a day to honor workers who have died as a result of work-related injuries; and be it further

RESOLVED, That residents of Nevada are hereby urged to observe this day by recognizing the need for strengthening the safety in the workplace so that future tragedies are prevented.

Assemblyman Krenzer moved the adoption of the resolution.

Remarks by Assemblymen Krenzer, Nolan and Anderson.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN KRENZER:

Thank you, Mr. Speaker. Workers Memorial Day is observed to remember workers killed or injured on the job. This legislative body recognizes that the people of Nevada are this state's most important resource. By a variety of legislative actions, we have endeavored to make workplaces safer and to reduce the frequency and severity of industrial injuries. Through the combined efforts of your Committee on Labor and Management, progress is being made. However, too many workers continue to get injured or contract occupational diseases and too many workers are killed in the course and scope of their employment.

There have been seven job-related fatalities in Nevada this year:

Forty-nine year-old Maintenance Worker—Hit and run;

Forty-nine year-old Hotel Engineer—Skull fracture;
Twenty-seven year-old Uniformed Patrol Officer—Gunshot while struggling with assailant;
Forty-eight year-old Airline Steward—Plane crash;
Thirty year-old Operating Engineer—Bob Cat accident—broken neck;
Twenty year-old Watchman/Helper—Accidentally run over by co-worker;
Fifty-seven year-old Timet Worker—Flashfire with flammable dust, burned over 60 percent of his body.

At this time, I ask that we observe 30 seconds of silence in honor of the men and women who have been killed in the course of their employment. Thank you.

ASSEMBLYMAN NOLAN:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 27. I join with the various labor organizations and management who dedicate themselves to making the workplace a safer place.

At the tender age of 18, when on my second day of work as an emergency medical technician in Las Vegas, I responded to a call at the, then being built, MGM. A foundation pit had been dug and a rather shabbily-built bridge expanded that pit which was strewn with rebar. A worker crossing the pit tripped and went through a poorly-constructed side-railing and became entangled in the rebar below. It took us an hour to extricate him and transport him to the hospital where he succumbed to his injuries.

Over a 10-year period, I have seen many injured workers, some of whom have died. The Assembly Committee on Labor and Management of the 68th Session has already passed several bills to improve safety in the workplace and will commit to continuing this effort. Again, I rise in support of this very worthwhile resolution. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 27. Indeed, it is a very small statement in terms of the breadth and depth of the problem.

As a youth, I remember hearing from my father who had come to the United States to work on the railroad in central Nevada from his native Ireland. He came with a man named John McVoy. Mr. McVoy and my father were close friends. Mr. McVoy was killed by a train while he was on a handcar trying to save other members of his track crew.

One of my earliest recollections is of a man by the name of Jim Heslen. Mr. Heslen had but one arm, unlike my distinguished colleague, the Co-Speaker, his was lost at the elbow. Jim used to hold me down by that stump and tickle me unmercifully. I often inquired as to how he lost his arm. It happened in a mishap while working for the railroad. The workers of this country have given their lives to build our roads, railroads and buildings. The workers of this country bring us our food. It is a very small thing we do here today for the enormous debt that we owe to the working man who made it all happen. Thank you.

Resolution adopted unanimously.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that Assemblyman Ohrenschall's remarks be entered in the Journal.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Mr. Speaker. I would like to take this moment to memorialize a constituent of mine. The reason I am choosing this particular moment is that Bill "Irish" Grant, who died Saturday, April 15, 1995, and was the former president of Whispering Sands Mobile Home Park, spent his entire life as a staunch union backer and union organizer. When he came to Nevada to retire, even though he was in his advanced years, there was never a union picket line that needed help, that Bill "Irish" Grant wasn't there. Last Christmas, at the age of 79, with an advanced heart condition, Bill was out there unloading trucks with packages for the Frontier Hotel strikers.

In Nevada, not only did he do everything he could for the cause of labor, but also for the cause of mobile home park residents. He received an award from the Mobile Home Owner's League of the Silver State. I know that all of his friends in labor would want to join with me in remembering him. I would ask that we join in 30 seconds of silence in his memory. Thank you.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 541—An Act relating to local financial administration; repealing the provision requiring the governing board of each local government to file certain quarterly financial reports; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 542—An Act relating to the Colorado River commission; transferring certain powers and duties relating to the Southern Nevada Water System; expanding certain powers and duties of the commission; requiring certain water purveyors to pay the cost of certain functions and duties of the commission; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 543—An Act relating to local financial administration; repealing the provision that requires the board of county commissioners to publish or post the amount of all bills allowed by it; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 298.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 317.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 387.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 366.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 355.

Amend the bill as a whole by deleting sections 1 through 11 and adding new sections designated sections 1 through 9, to read as follows:

"Section 1. The legislature finds and declares that American Sign Language is a fully developed, autonomous, natural language with a distinct grammar, syntax and artistic character, and should be accorded equal status with other linguistic systems in the public education system of this state.

Sec. 2. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The state board shall approve course work and develop policies and procedures for the teaching of American Sign Language in the system of public instruction.

2. A school that chooses to offer American Sign Language as a course shall allow any pupil who successfully completes the course to earn credit for completing an elective course in a foreign language or toward completing a required number of credits in a foreign language, if that school has such a requirement.

Sec. 3. NRS 391.019 is hereby amended to read as follows:

391.019 1. Except as otherwise provided in NRS 391.027, the commission:

(a) Shall adopt regulations:

(1) Prescribing the qualifications for licensing teachers and other educational personnel and the procedures for the issuance and renewal of such licenses.

(2) Identifying fields of specialization in teaching which require the specialized training of teachers.

(3) Requiring teachers to obtain from the department an endorsement in a field of specialization to be eligible to teach in that field of specialization.

(4) Setting forth the educational requirements a teacher must satisfy to qualify for an endorsement in each field of specialization.

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language.

(b) May adopt such other regulations as it deems necessary for its own government or to carry out its duties.

2. Any regulation which increases the amount of education, training or experience required for licensing:

(a) Must, in addition to the requirements for publication in chapter 233B of NRS, be publicized before its adoption in a manner reasonably calculated to inform those persons affected by the change.

(b) Must not become effective until at least 1 year after the date it is adopted by the commission.

(c) Is not applicable to a license in effect on the date the regulation becomes effective.

Sec. 4. Chapter 396 of NRS is hereby amended by adding thereto a new section to read as follows:

The board of regents may approve a uniform course of study and develop policies and procedures on the teaching of American Sign Language in the University and Community College System of Nevada.

Sec. 5. 1. The superintendent of public instruction and the director of the department of employment, training and rehabilitation shall, not later than July 15, 1995, appoint a task force to continue the activities of the task force on American Sign Language created by section 1 of chapter 336, Statutes of Nevada 1993. The task force created pursuant to this section shall continue to provide advice, expertise and recommendations concerning the establishment of a course of study in American Sign Language in secondary and post-secondary schools for credit as a foreign language and as a special course in elementary schools. The task force shall hold its first meeting not later than August 15, 1995. It shall, not later than November 15, 1996, submit its findings and recommendations to the director of the legislative counsel bureau for transmittal to the legislative commission.

2. The task force must be comprised of a majority of members who are deaf or who are related to a deaf person. To the extent possible, the membership of the task force must include:

(a) The coordinator of the sensory deficit program for Clark County and the coordinator of the programs for the hearing impaired in Washoe County, or his designee;

(b) The president of the Nevada Association of the Deaf, or his designee;

(c) The president of the Telecommunications Council, or his designee;

(d) A representative of the Telecommunications Relay Centers;

(e) A representative of parents with deaf children who reside in a rural community;

(f) A deaf student;

(g) The president of the Parents Advisory Committee of Hearing Impaired Children in Reno and Las Vegas, or his designee;

(h) The executive director of the Nevada State Education Association, or his designee;

(i) The chairman of the Rural Alliance, or his designee;

(j) A representative from the foreign language departments of the University of Nevada, Reno, the University of Nevada, Las Vegas, and a community college;

(k) A representative of the department of education who is knowledgeable regarding special education and a representative of the rehabilitation division of the department of employment, training and rehabilitation;

(l) Two instructors of American Sign Language, one of whom must be deaf; and

(m) Such other persons as the superintendent and director deem appropriate.

3. The task force shall:

(a) Ascertain the cost of establishing a course of study in American Sign Language in the secondary and post-secondary schools in this state and the University and Community College System of Nevada.

(b) Make recommendations to the state board of education to assist it in approving a course of study in American Sign Language and developing policies and procedures on the teaching of American Sign Language in the system of public instruction.

(c) Make recommendations to the commission on professional standards in education to assist it in determining the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language.

(d) Make recommendations to the board of regents of the University of Nevada to assist it in approving a course of study in American Sign Language and developing policies and procedures on the teaching of American Sign Language in the University and Community College System of Nevada.

(e) Monitor and evaluate how the recommendations made pursuant to paragraphs (b), (c) and (d) were carried out and report on the progress to the 69th session of the Nevada Legislature.

4. The members of the task force serve without salary. The members are entitled to per diem and travel expenses for attending meetings of the task force.

Sec. 6. The state board of education shall consult with the boards of trustees of the various school districts and, through the task force created pursuant to section 5 of this act, with persons who are deaf or hearing impaired to assist the state board in approving a course of study in American Sign Language and developing policies and procedures on the teaching of American Sign Language in the system of public instruction pursuant to section 2 of this act.

Sec. 7. The commission on professional standards in education shall consult with the boards of trustees of the various school districts and, through the task force created pursuant to section 5 of this act, with persons who are deaf or hearing impaired to assist the commission in establishing pursuant to NRS 391.019 the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language.

Sec. 8. The board of regents of the University of Nevada may consult with the boards of trustees of the various school districts and, through the task force created pursuant to section 5 of this act, with persons who are deaf or hearing impaired to assist the board or regents in approving a course of study in American Sign Language and developing policies and procedures on the teaching of American Sign Language in the University and Community College System of Nevada pursuant to section 4 of this act.

Sec. 9. This act becomes effective on July 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to education; requiring the state board of education to approve a course of study in American Sign Language; requiring the commission on professional standards in education to adopt regulations concerning the qualifications for teaching American Sign Language; autho-

rizing the board of regents of the University of Nevada to approve a course of study in American Sign Language; directing the appointment of a task force to make recommendations concerning the establishment of a course of study in American Sign Language; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires creation of policies and procedures on teaching of American Sign Language. (BDR 34-1123)".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 11:54 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 106, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 143.

Bill read third time.

Remarks by Assemblymen Bache, Nolan, Buckley, Price and Stroth.

Roll call on Assembly Bill No. 143:

YEAS—28.

NAYS—Batten, Brower, Carpenter, Close, Fettic, Harrington, Marvel, Nolan, Ohrenschall, Price, Sandoval, Spitler, Steel—13.

Absent—Freeman.

Assembly Bill No. 143 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 158.

Bill read third time.

Remarks by Assemblymen Stroth and Carpenter.

Roll call on Assembly Bill No. 158:

YEAS—41.

NAYS—None.

Absent—Freeman.

Assembly Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 352.

Bill read third time.

Remarks by Assemblyman Steel.

Roll call on Assembly Bill No. 352:

YEAS—41.

NAYS—None.

Absent—Freeman.

Assembly Bill No. 352 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 87.

Bill read third time.

Remarks by Assemblymen Williams, Chowning, Manendo, Neighbors, Guinchigliani and Batten.

Potential conflict of interest declared by Assemblyman Giunchigliani.

Assemblymen Ernaut, Marvel and Hettrick moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 87.

Roll call on Senate Bill No. 87:

YEAS—21.

NAYS—Allard, Braunlin, Brower, Carpenter, Close, de Braga, Ernaut, Fettic, Harrington, Lambert, Manendo, Marvel, Monaghan, Nolan, Schneider, Steel, Stroth, Tiffany, Tripple, Mr. Speaker Hettrick—20.

Absent—Freeman.

Senate Bill No. 87 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Bill ordered transmitted to the Senate.

Senate Bill No. 97.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 97:

YEAS—41.

NAYS—None.

Absent—Freeman.

Senate Bill No. 97 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 168.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Senate Bill No. 168:

YEAS—41.

NAYS—None.

Absent—Freeman.

Senate Bill No. 168 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 177.

Bill read third time.

Remarks by Assemblymen Fettic and Ernaut.

Roll call on Senate Bill No. 177:

YEAS—41.

NAYS—None.

Absent—Freeman.

Senate Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 1.

Resolution read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Joint Resolution No. 1:

YEAS—41.

NAYS—None.

Absent—Freeman.

Senate Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 8.

Resolution read third time.

Remarks by Assemblymen Bennett and Anderson.

Roll call on Senate Joint Resolution No. 8:

YEAS—36.

NAYS—Anderson, Bache, Giunchigliani, Schneider, Segerblom—5.

Absent—Freeman.

Senate Joint Resolution No. 8 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 9.

Resolution read third time.

Remarks by Assemblyman Segerblom.

Roll call on Senate Joint Resolution No. 9:

YEAS—41.

NAYS—None.

Absent—Freeman.

Senate Joint Resolution No. 9 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 15.

Resolution read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Joint Resolution No. 15:

YEAS—41.

NAYS—None.

Absent—Freeman.

Senate Joint Resolution No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 16.

Resolution read third time.

Remarks by Assemblyman de Braga.

Roll call on Senate Joint Resolution No. 16:

YEAS—32.

NAYS—Allard, Buckley, Ernaut, Fettic, Harrington, Humke, Monaghan, Steel, Stroth—9.

Absent—Freeman.

Senate Joint Resolution No. 16 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 27 of the 67th Session.

Resolution read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Joint Resolution No. 27 of the 67th Session:

YEAS—41.

NAYS—None.

Absent—Freeman.

Senate Joint Resolution No. 27 of the 67th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Schneider gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 87 was this day refused passage.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 387.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Moshe Bialac, Mojo and Blackie Evans.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Dale Gray and Deb Salaber.

Assemblyman Perkins moved that the Assembly adjourn until Monday, May 1, 1995 at 11 a.m. and that it do so in memory of workers who have lost their lives in Nevada as a result of work-related injuries.

Motion carried.

Assembly adjourned at 12:45 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTH DAY

CARSON CITY (Monday), May 1, 1995

Assembly called to order at 11:06 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Freeman, who was excused.

Prayer by the Chaplain, The Reverend Jim Hewitt.

Dear Lord: It is our prayer that You would be present in this place in the hearts and minds of each participant. Guide us with Your righteousness, justice and love. Help our leaders to make those decisions that will enhance the lives of our people. In Your Holy Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:09 a.m.

ASSEMBLY IN SESSION

At 11:18 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 91, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 132, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 3, 4, 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA TIFFANY, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Goldwater, Fettic, Ohrenschall, Arberry, Perkins, Price, Williams, Schneider, Segerblom, Carpenter, Neighbors, de Braga, Evans, Brower, Spitler, Chowning, Close, Giunchigliani and Bache:

Assembly Joint Resolution No. 33—Proposing to amend the constitution of the State of Nevada to place the commission on judicial discipline in the executive branch of the state government.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That article 5 of the constitution of the State of Nevada be amended by adding thereto a new section to be designated as section 23 to read as follows:

Sec. 23. 1. The commission on judicial discipline is hereby created in the executive branch of state government to monitor the performance and qualifications of justices and judges.

2. A justice of the supreme court, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of article 7 for impeachment, be censured, retired, removed or subject to other discipline or corrective action by the commission on judicial discipline. A justice or judge may appeal to the supreme court a final decision of the commission to censure, retire, remove or otherwise discipline or impose corrective action on him.

3. The commission is composed of:

(a) Two persons who each serve as a district judge, justice of the peace or municipal judge, appointed by the supreme court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor to represent the general public.

The commission shall elect a chairman from among its three members who represent the general public.

4. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the supreme court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

5. The term of office of each appointive member of the commission, except the initial members, is 4 years. Each appointing authority shall appoint one of the members initially appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the

vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

6. The commission shall make appropriate rules for:

(a) The confidentiality of matters before the commission, except that a decision to censure, retire or remove a justice or judge must be made public. The rules must specifically provide guidelines for the disclosure of information during the preliminary screening of complaints.

(b) The grounds of censure and other forms of discipline or corrective action which may be imposed by the commission.

(c) The manner in which preliminary screenings of complaints, investigations and hearings must be conducted.

(d) Its own management and government.

7. No justice or judge may, by virtue of this section, be:

(a) Removed, except for:

(1) Willful misconduct;

(2) Willful or persistent failure to perform the duties of his office; or

(3) Habitual intemperance.

(b) Retired, except for:

(1) Advanced age which interferes with the proper performance of his judicial duties; or

(2) Mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

8. Any matter relating to the fitness of a justice or judge may be brought to the attention of the commission by any person or on the motion of the commission. The commission shall conduct a preliminary screening of all complaints, including complaints filed by the commission on its own motion, against justices and judges to determine whether the commission has jurisdiction to hear the matter and to confirm the validity of the facts alleged in the complaint. After the preliminary screening, the commission shall dismiss the matter or:

(a) If the public interest would be served, consult with the justice or judge to pursue an informal resolution of the matter; or

(b) If appropriate, order a hearing to determine whether probable cause exists to believe that the conduct of the justice or judge is or has been inappropriate or that he is not fit for office.

After the preliminary screening, the commission may amend the complaint to include any information obtained from additional complainants or witnesses.

9. If a hearing to determine probable cause is ordered, a statement of the matter must be served upon the justice or judge against whom the proceeding is brought. The commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this section is entitled thereafter to receive such compensation as the legislature may provide.

10. If a proceeding is brought against a district judge, a district judge from the same judicial district may not sit on the commission for that proceeding. If a proceeding is brought against a justice of the peace, a justice of the peace from the same township may not sit on the commission for that proceeding. If a proceeding is brought against a municipal judge, a municipal judge from the same city may not sit on the commission for that proceeding. When any member of the commission is disqualified by this subsection or for any other reason, the supreme court shall appoint a substitute from among the eligible judges.

11. The commission shall hire one or more attorneys at law to act as disciplinary counsel. The disciplinary counsel shall not participate in the preliminary screening of complaints. If, after the preliminary screening, a case is referred to him, he shall:

(a) Prepare a formal statement of the charges;

(b) Conduct an investigation of a complaint whose facts have been verified and over which the commission has jurisdiction; and

(c) Prosecute a judge or justice in a proceeding before the commission.

12. The attorney general shall act as advisory counsel to the commission. The attorney general shall advise the commission in the preliminary screening of complaints, but shall not perform any functions related to the investigation of complaints and the prosecution of a judge or justice.

13. The commission may:

(a) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(b) Grant immunity from prosecution or punishment when the commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(c) Exercise such further powers as the legislature may from time to time confer upon it.

And be it further

RESOLVED, That section 21 of article 6 of the constitution of the State of Nevada be repealed.

TEXT OF REPEALED SECTION

Sec. 21. Commission on judicial discipline.

1. A justice of the supreme court, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the commission on judicial discipline. A justice or judge may appeal from the action of the commission to the supreme court, which may reverse such action or take any alternative action provided in this subsection.

2. The commission is composed of:

(a) Two justices or judges appointed by the supreme court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

The commission shall elect a chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the commission, except the first members, is 4 years. Each appointing authority shall appoint one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. The supreme court shall make appropriate rules for:

(a) The confidentiality of all proceedings before the commission, except a decision to censure, retire or remove a justice or judge.

(b) The grounds of censure and other forms of discipline which may be imposed by the commission.

(c) The conduct of investigations and hearings.

6. No justice or judge may by virtue of this section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

7. Any person may bring to the attention of the commission any matter relating to the fitness of a justice or judge. The commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a

statement of the matter shall be served upon the justice or judge against whom the proceeding is brought. The commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this section is entitled thereafter to receive such compensation as the legislature may provide.

8. If a proceeding is brought against a justice of the supreme court, no justice of the supreme court may sit on the commission for that proceeding. If a proceeding is brought against a district judge, no district judge from the same judicial district may sit on the commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the commission for that proceeding. If an appeal is taken from an action of the commission to the supreme court, any justice who sat on the commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the commission is disqualified by this subsection, the supreme court shall appoint a substitute from among the eligible judges.

9. The commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the legislature may from time to time confer upon it.

Assemblyman Anderson moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Joint Resolution No. 34—Urging Congress to pass the Violent Criminal Incarceration Act of 1995.

Assemblyman Humke moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Price, Dini, Hettrick, Perkins, Williams, Harrington, Schneider, Braunlin, Steel, Fettic, Goldwater, Bennett, Ohrenschall, Freeman, Krenzer, Arberry, Marvel, Close, Ernaut, Stroth, Allard, Anderson, Humke, Chowning, Buckley, Bache, Giunchigliani, Manendo, Batten, Tripple, Brower, Lambert, Monaghan, Segerblom, Nolan, Carpenter, de Braga, Evans, Neighbors, Tiffany, Sandoval and Spitler:

Assembly Concurrent Resolution No. 28—Granting administrative leave to legislative employees in recognition of their service to the 68th session of the Nevada Legislature.

Assemblyman Price moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 544—An Act relating to legal actions; allowing the heirs of a decedent to recover punitive damages in an action for wrongful death; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 545—An Act relating to nursing; requiring the state board of nursing to issue a license to practice nursing as a professional nurse to a person who has been licensed or registered as a registered nurse in Canada or any province thereof without examination under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 546—An Act relating to manufactured housing; establishing the rights and duties of landlords and tenants of land which is not located in a mobile home park but is rented or held out for rent to accommodate mobile homes and manufactured homes; limiting the circumstances under which a landlord of a mobile home park or other land on which a mobile home, manufactured home or recreational vehicle is located, may refuse to approve the prospective buyer of a mobile home, manufactured home or recreational vehicle which will remain on the landlord's land after the sale; authorizing certain tenants to bring actions against landlords in the justices' courts under certain circumstances; limiting the costs which are recoverable by a landlord who enforces a lien for unpaid rent; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Fettic, Sandoval, Hettrick, Spitler, Monaghan, Dini and Tiffany:

Assembly Bill No. 547—An Act relating to housing; revising the provisions governing discrimination against certain persons in the sale or rental of a dwelling; and providing other matters properly relating thereto.

Assemblyman Fettic moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 548—An Act relating to the use of state lands; prohibiting the state land registrar from charging fees for permits for the use of state land for certain piers and related facilities; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Marvel moved that Assembly Bill No. 56 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Marvel.

Motion carried.

Assemblyman Marvel moved that Assembly Bill No. 58 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Marvel.

Motion carried.

Assemblyman de Braga moved that Senate Bill No. 124 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman de Braga.

Motion carried.

Assemblyman Humke moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:28 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Hettrick:

Assembly Bill No. 549—An Act relating to mining; requiring certain documents containing the results of an assay to include a warning concerning the use of the results; providing penalties; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Anderson, Giunchigliani, Manendo, Bache, Close, Arberry, Williams, Chowning, Segerblom, Neighbors, de Braga, Evans, Spitler, Krenzer, Ohrenschall, Goldwater, Fettic and Price:

Assembly Bill No. 550—An Act relating to the commission on judicial discipline; expanding the authority of the commission to investigate and file

complaints; clarifying the authority of the commission to subpoena; providing for the discovery or inspection of certain information by a justice or judge; delineating the authority of the commission to impose other forms of discipline or corrective action; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Giunchigliani, de Braga, Bache, Manendo, Chowning, Perkins, Price, Arberry, Ohrenschall, Goldwater, Segerblom, Schneider, Neighbors, Evans and Buckley:

Assembly Bill No. 551—An Act relating to public officers; prohibiting a legislator from receiving or accruing certain income during a legislative session; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 267.

Bill read second time.

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

Amendment No. 236.

Amend section 1, page 1, by deleting lines 17 through 20 and inserting:

"4. [The] *Except as otherwise provided in this subsection, the* term of each member is 4 years, or until his successor takes office. *If applicable, the term of each member of a county or city planning commission in any county whose population is 400,000 or more is coterminous with the term of the member of the governing body who recommended his appointment to the appointing authority. If the recommending member resigns his office before the expiration of his term, the corresponding member of the planning commission may continue to serve until the office is next filled by election. If the office of the recommending member becomes vacant before the expiration of the term for any other reason, the corresponding member of the planning commission may continue to serve for the duration of the original term.*

5. Members may be removed, after public hearing, by a majority vote of the governing body for [inefficiency, neglect of duty or malfeasance of office.] *just cause.*".

Amend sec. 2, page 2, by deleting line 25.

Amend sec. 2, page 2, line 26, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 3, page 3, by deleting line 42.

Amend the title of the bill, second line, after "to the" by inserting "appointment and".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 172.
Bill read second time and ordered to third reading.

Senate Bill No. 173.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 24.
Bill read third time.
Remarks by Assemblymen Dini and Tiffany.
Roll call on Assembly Bill No. 24:
YEAS—18.
NAYS—Allard, Batten, Bennett, Braunlin, Brower, Carpenter, Close, Ernaut, Fettic, Giunchigliani, Harrington, Humke, Lambert, Manendo, Monaghan, Nolan, Ohrenschall, Sandoval, Steel, Stroth, Tiffany, Tripple, Mr. Speaker Hettrick—23.
Absent—Freeman.

Assembly Bill No. 24 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 57.
Bill read third time.
Remarks by Assemblyman Nolan.
Roll call on Assembly Bill No. 57:
YEAS—40.
NAYS—Harrington.
Absent—Freeman.

Assembly Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 84.
Bill read third time.
Remarks by Assemblyman Steel.
Roll call on Assembly Bill No. 84:
YEAS—41.
NAYS—None.
Absent—Freeman.

Assembly Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 106.
Bill read third time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 344.

Amend section 1, page 1, by deleting lines 9 through 17 and inserting: "*presented a pleading, written motion or other document in writing to the court which:*

(1) Contains a claim or defense that is included for an improper purpose, including, without limitation, for the purpose of harassing his opponent, causing unnecessary delay in the litigation or increasing the cost of the litigation;

(2) Contains a claim, defense or other argument which is not warranted by existing law or by a reasonable argument for a change in existing law or a change in the interpretation of existing law; or

(3) Contains allegations or information presented as fact for which evidentiary support is not available or is not likely to be discovered after further investigation,".

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

"3. A forfeiture may be made only by the director after proof of the [offense] *commission of an act prohibited pursuant to subsection 1* and notice to the offender [.] *in the manner prescribed in the regulations of the department.* The decision of the director regarding a".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 131.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 131:

YEAS—40.

NAYS—None.

Absent—Freeman.

Not voting—Mr. Speaker Dini.

Assembly Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Krenzer moved that Assembly Bill No. 58 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Krenzer.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 133.

Bill read third time.

Remarks by Assemblyman Steel.

Roll call on Assembly Bill No. 133:

YEAS—40.

NAYS—None.

Absent—Freeman.

Not voting—Mr. Speaker Dini.

Assembly Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 296.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Harrington, Anderson, Bache and Williams.

Conflicts of interest declared by Assemblymen Giunchigliani, Anderson, Bache and Williams.

Roll call on Assembly Bill No. 296:

YEAS—39.

NAYS—Harrington, Steel—2.

Absent—Freeman.

Assembly Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 297.

Bill read third time.

Remarks by Assemblymen Goldwater and Harrington.

Roll call on Assembly Bill No. 297:

YEAS—35.

NAYS—Allard, Arberry, Brower, Harrington, Neighbors, Williams—6.

Absent—Freeman.

Assembly Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 313.

Bill read third time.

Remarks by Assemblymen Sandoval and Carpenter.

Roll call on Assembly Bill No. 313:

YEAS—41.

NAYS—None.

Absent—Freeman.

Assembly Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 383.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Assembly Bill No. 383:

YEAS—40.

NAYS—None.

Absent—Freeman.

Not voting—Mr. Speaker Dini.

Assembly Bill No. 383 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 393.

Bill read third time.

Remarks by Assemblymen Perkins, Arberry, Anderson, Carpenter, Humke and Dini.

Roll call on Assembly Bill No. 393:

YEAS—41.

NAYS—None.

Absent—Freeman.

Assembly Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 120.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 120:

YEAS—41.

NAYS—None.

Absent—Freeman.

Senate Bill No. 120 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 56.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 56:

YEAS—41.

NAYS—None.

Absent—Freeman.

Assembly Bill No. 56 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 124.

Bill read third time.

The following amendment was proposed by Assemblyman de Braga:

Amendment No. 368.

Amend section 1, page 1, line 7, by deleting "*or*".

Amend section 1, page 1, line 9, by deleting "*NRS,*" and inserting: "*NRS; or*

3. Volunteer reserve members of a police department or a sheriff's office,".

Amend the title of the bill by deleting the second line and inserting: "for certain service as a volunteer during working hours; and".

Amend the summary of the bill to read as follows:

"Summary—Prohibits deduction from salaries of state employees for certain service as volunteer during working hours. (BDR 23-1368)".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblyman Schneider moved that the vote whereby Senate Bill No. 87 was refused passage be reconsidered.

Assemblymen Schneider, Anderson and Bache requested a roll call on Assemblyman Schneider's motion.

Roll call on Assemblyman Schneider's motion:

YEAS—22.

NAYS—Allard, Braunlin, Brower, Close, de Braga, Ernaut, Fettic, Harrington, Humke, Lambert, Marvel, Monaghan, Nolan, Sandoval, Steel, Stroth, Tiffany, Tripple, Mr. Speaker Hettrick—19.

Absent—Freeman.

The motion having received a majority, Mr. Speaker declared it carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 87.

Bill read third time.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:20 p.m.

ASSEMBLY IN SESSION

At 12:25 p.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Giunchigliani, Anderson, Carpenter, Harrington, Steel, Williams and Manendo.

Assemblyman Williams requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I rise in support of Senate Bill No. 87. I am an employee of the Clark County School District. I know that the school district desperately needs this legislation to clarify what is on the books. This accommodates the year-round school sessions and the double sessions that are being held within Clark County.

As I indicated last week, I would not support this bill if it meant less instructional time. You need to look at the quality of time and the time spent on tasks. This bill, as written, allows the minutes to be increased. I would note for the record, which we have done in other instances, that the term "alternative scheduling" on line 10 is absolutely not intended to allow for a four-day school week, which many people have a concern about. What "alternative scheduling" is really supposed to be about is to look at it in two phases depending upon the school day, such as 8 a.m. to 4 p.m. to better accommodate the use of that facility, rather than an actual day. If it makes people more comfortable, I think we should note for the record, that the intent is it cannot be defined as a four-day school week. I would urge your reconsideration. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of this particular piece of legislation, quite simply because one of the major criticisms that the education community faces these days revolves around the "time on task" questions.

At the high school level, it is not unusual because of multiple activities, to see students released after spending a good part of the day and then call it a full day educational experience. It is not a full day educational experience. This bill goes a long way to set up worthwhile programs not usually considered part of the educational program. It allows those programs to be taken into consideration, and adjust the day so that the time on tasks for students is relative to the real classroom. Therefore, I think this is a very important piece of legislation, particularly allowing for greater interlink with the business community to bring real-life experiences into our classrooms, especially at the secondary level. These experiences will become increasingly important in the technological age in which we live. Therefore, I rise in support of this worthwhile piece of legislation.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I reluctantly rise in support of Senate Bill No. 87. I listened very carefully to the arguments last Friday and voted against this bill because I felt those arguments had more merit.

When I got home Friday afternoon, the Elko School District was waiting for me and pointed out what they felt the fallacy of my vote was. In order to give them the flexibility they need, I'm going to change my vote on this bill. I do want it in the record as to why I'm doing it. I have a letter here which I would like to read.

> DEAR ASSEMBLYMAN CARPENTER:
>
> My understanding of Senate Bill No. 87 which allows school districts to have flexibility in instruction scheduling will be coming up for a second vote today. We are in support of this bill. It is not our intention to use the allowed flexibility in our regular school education programs. The flexibility will be of great assistance to us in our alternative education intervention programs for students who do not fit into the regular educational programs.
>
> MARCIA BANDERA
> *Superintendent of Elko County School District*

Thank you, Mr. Speaker.

ASSEMBLYMAN HARRINGTON:

Thank you, Mr. Speaker. Again, to reiterate some of the points from last Friday, other nations are sending their children to school far more days than we are and this bill takes us in the wrong direction. Not only that, it opens a Pandora's box, which allows various options school districts may want to choose.

White Pine County has specifically submitted Assembly Bill No. 6. You may want to take a look at it, as on line 8, "the Board of Trustees specifically requests a four-day school week." If you are a working parent and have to work five days a week, having your children completely out of school for that one day will be a real problem for them. Any number of other schedule changes can occur. They have experimented with a 144-day schedule. Once those schedules are written into the contract, they can be very difficult and costly to change back to the 180 days.

Again, Clark County has the flexibility of 10 days. They can do the "five practice system" which they are going to start next year on a 170-day schedule. This just opens up a Pandora's box for other options which will be very detrimental, I believe. Thank you.

ASSEMBLYMAN STEEL:

Thank you, Mr. Speaker. I rise in opposition of this bill. The reason is I believe it will hit the working families the hardest. It doesn't say that they won't go to a four-day schedule. I think bills need to say what they mean. If you don't mean a four-day week, you should write it in here and make an amendment that says you cannot go to a four-day school week. I wouldn't see anything wrong with such an amendment.

I think we are going in the wrong direction as far as time in school. We need more time for our students to learn more while they are in school because once they are out of school, that's it. Unless they have a good secure bottom line education in our grade school levels, they aren't going to have the drive to go further in life. I really think we need to do it. I would support an amendment that this would not go to a four-day in any district. But outside of that, I would ask everyone to please oppose this bill for working parents that will now have to go out and find day-care centers for that fifth day. I'm not saying schools should be a day-care center. There aren't enough day-care centers to go around if this bill goes through. Thank you.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. I rise in support of Senate Bill No. 87. This bill was requested by the Clark County School District, but there has been some conversation that the school district does not want this bill. I talked to the superintendent's office less than an hour ago and they do wholeheartedly support and want this bill.

I would say to those who talk about less school time, this will not lower the time spent in the classroom. Under this bill, they will have to have the equivalent amount of time in the classroom, or more. This is not Yugoslavia, Japan, Taiwan or any of those places they are talking about. This is Nevada. Unlike most states, we have a situation where our legislature meets every two years and most states meet every year. We are also faced with having the fastest growing school district in the nation in Clark County.

The state superintendent of schools would have to approve any changes in scheduling. The school board would have to approve it, and they could not do it without public input. There are safeguards in this bill. One of the changes we don't want to happen, since we won't be meeting until 1997, is having our constituents get school board officers to say they need more flexibility. The best thing we can do for our constituency is to allow this particular instrument and this tool to be in the hands of the school district in case they need it. We are faced with a fast-growing population. How in the world can we talk about what's happening in some other country? We are talking about Nevada. We are Nevadans. We need to do what's best for our school districts, to take on this responsibility without losing any class time. I don't know why people keep thinking there will be a reduction in class time, because there won't. This bill will help. This bill will allow school districts to have the tools they need. Let's give them what they need for education. Support Senate Bill No. 87. Thank you.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Speaker. Once more, I rise in opposition to Senate Bill No. 87. I still believe we need more school days, not fewer. I'm really concerned that we are not going to get these school days back if we get rid of them. I'm still philosophically against a reduction in school days. I believe the idea of Senate Bill No. 87 is to provide time to allow students to engage in extracurricular or supplemental activities. I'm all in favor of those types of things, but not at the expense of education or days in the classroom. I'm still not convinced of that. I still believe we need to educate to elevate and I believe this bill is a "dummy down Nevada" bill.

I had a meeting this weekend with 30 students at a community home. They believe that we are sending a wrong message to the parents, taxpayers, educators, and more importantly, to the students themselves. When they look you in the face and say, "What are you

trying to do? You want us to succeed, but you want us to have a reduction in school days." I do not believe that this is the proper way to go about educating. I think we need more school days.

The minutes may be the same, but I think eventually we need to increase the minutes and also increase days. I think that's how we are going to compete in this world. I was just making a notation that 82 percent of the prison population doesn't have a high school diploma. Crime has a lot to do with not seeing the light at the end of the tunnel. I think reducing school days is not opening the doors to light, but closing it and making it dark. I urge your vote against Senate Bill No. 87. Thank you.

Assemblymen Marvel, Lambert and Monaghan moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 87.

Roll call on Senate Bill No. 87:

YEAS—23.

NAYS—Allard, Braunlin, Brower, Close, de Braga, Ernaut, Harrington, Humke, Lambert, Manendo, Monaghan, Nolan, Sandoval, Steel, Stroth, Tiffany, Tripple, Mr. Speaker Hettrick—18.

Absent—Freeman.

Senate Bill No. 87 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ohrenschall gave notice that on the next legislative day she would move to reconsider the vote whereby Assembly Bill No. 24 was this day refused passage.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Labor and Management:

Assembly Bill No. 552—An Act relating to industrial insurance; providing for industrial insurance by private insurers; establishing a board of directors to supervise the state industrial insurance system; establishing procedures for the collection of delinquent premiums by the system; providing for state supervision of rates and related advisory organizations; exempting the state industrial insurance system from certain administrative requirements applicable to executive agencies generally; creating a legislative committee to study the solvency of the system and develop a formula for calculating a solvency surcharge for imposition against certain employers; providing penalties; and providing other matters properly relating thereto.

Assemblyman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Chowning moved that the Assembly do not recede from its action on Senate Bill No. 65, that a conference be requested, and that Mr.

Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Chowning.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Chowning, Nolan and Ohrenschall as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 65.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 60, 273; Assembly Joint Resolution No. 32; Assembly Concurrent Resolutions Nos. 25, 26.

Assemblyman Ernaut moved that the Assembly adjourn until Tuesday, May 2, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:46 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTH DAY

CARSON CITY (Tuesday), May 2, 1995

Assembly called to order at 11:05 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblyman Freeman, who was excused.

Prayer by the Chaplain, The Reverend Jim Hewett.

Dear Lord: On this spectacular spring morning our hearts are lifted by beauty of this time and place. Be with this Assembly as our legislators seek to make decisions that touch the lives of our citizens. Guide them with Your eternal wisdom and justice. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 453, 454; Senate Bill No. 80; Assembly Joint Resolution No. 31, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 40, 134, 374, 396; Senate Bill No. 171, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 409, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. CARPENTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Lambert moved that Assembly Joint Resolution No. 31 be placed on the Second Reading File.

Motion carried.

Assemblyman Lambert moved that Senate Bill No. 80 be placed on the Second Reading File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 1, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 146, 161.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 27.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 174, 176.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills. Nos. 230, 334, 335.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 553—An Act relating to attorneys; clarifying that an attorney who has been appointed as a special prosecutor for a limited duration with limited jurisdiction may undertake the legal defense of other persons under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Bennett, Harrington, de Braga, Bache, Lambert, Nolan, Goldwater, Ohrenschall, Fettic, Giunchigliani, Anderson, Manendo, Williams, Close, Carpenter, Stroth, Steel, Buckley, Braunlin and Price:

Assembly Bill No. 554—An Act relating to occupational safety; prohibiting the use of certain titles relating to professions in industrial hygiene without the certification or recognition of the American Board of Industrial Hygiene or the Board of Certified Safety Professionals; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Bennett moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 555—An Act relating to public employment; revising the amount of the transportation allowance provided for public employees; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 174.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 176.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 230.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 334.

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

Motion carried.

Senate Bill No. 335.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 556—An Act relating to private patrolmen; revising provisions governing the employment by such persons of unarmed security guards; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen de Braga, Bennett, Segerblom, Neighbors, Carpenter, Sandoval, Buckley, Dini, Spitler, Chowning, Anderson, Ernaut, Perkins, Price, Harrington, Steel, Williams, Fettic, Goldwater, Ohrenschall, Tripple, Manendo, Lambert, Bache, Giunchigliani, Close, Marvel, Arberry and Nolan:

Assembly Bill No. 557—An Act relating to real property; requiring a seller of real property to disclose certain information relating to the water rights appurtenant to the property; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblyman Ohrenschall moved that the vote whereby Assembly Bill No. 24 was refused passage be reconsidered.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:17 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblyman Ohrenschall.

Motion carried.

Assemblyman Ohrenschall moved that Assembly Bill No. 24 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 338.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 3.

Bill read second time and ordered to third reading.

Senate Bill No. 4.

Bill read second time and ordered to third reading.

Senate Bill No. 91.

Bill read second time and ordered to third reading.

Senate Bill No. 148.

Bill read second time and ordered to third reading.

Senate Bill No. 258.

Bill read second time and ordered to third reading.

Assembly Joint Resolution No. 31.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 80.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblymen Evans, Carpenter, Buckley, Price and Humke.

Assemblyman Anderson moved that Assembly Bill No. 132 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Assembly Bill No. 155.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 337.

Amend section 1, page 1, line 4, after "*license*" by inserting: "*, less any nonrefundable administrative fee adopted by the commission for acting upon an application for a tag,*".

Assemblyman Sandoval moved the adoption of the amendment.
Remarks by Assemblyman Sandoval.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 366.
Bill read third time.
Remarks by Assemblymen Spitler, Bennett, Carpenter and Harrington.
Roll call on Assembly Bill No. 366:

YEAS—41.
NAYS—None.
Absent—Freeman.

Assembly Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 172.
Bill read third time.
Remarks by Assemblyman Ohrenschall.
Roll call on Senate Bill No. 172:

YEAS—41.
NAYS—None.
Absent—Freeman.

Senate Bill No. 172 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 173.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Senate Bill No. 173:

YEAS—41.
NAYS—None.
Absent—Freeman.

Senate Bill No. 173 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 41, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.
Remarks by Assemblyman Anderson.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Perkins, Carpenter and Goldwater as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 41.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 186.

The following Senate amendment was read:

Amendment No. 277.

Amend section 1, page 1, by deleting lines 16 and 17 and inserting:

"4. The prosecutor shall give [to the victim] reasonable notice of the hearing to impose sentence [.] *to:*

(a) The person against whom the crime was committed;

(b) A person who was injured as a direct result of the commission of the crime; and

(c) The surviving spouse, parents or children of a person who was killed as a direct result of the commission of the crime.

Any defect in notice or failure of [the victim] *such persons* to appear are".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 186.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bills Nos. 97, 168, 177; Senate Joint Resolutions Nos. 1, 8, 9, 15, 16, 27 of the 67th Session; Senate Concurrent Resolutions Nos. 26, 27.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Mount Rose Elementary School: Matthew Allen, Elizabeth Alves, Kristie Bartow, Jason Clay, Jordan Davis, Georgina Gallegos, Stephanie Harrison, Steven Lewis, Anthony Lofton, Dustin Lund, Macario Padilla, Dishel Rainey, Ramon Reyes, Laura Rice, Tania Schuhmacher, Austin Schuler, Donald Stiffler, Chase Stubblefield, Alison Urick, Shandell Allen, Latisha Carver, Kanyon Cassinelli, Gennifer Durkin, Stephanie Jiroch, Katherine Smith, Sandy Hawkins, Sonja Miller, Maria Perez, Mayra Contreras, Steven Spitz, Jesse Harrison, Amber Trosper, Cody Lewis, Levi Cortez, Tom Parks, Ezequiel Mariscal, Liang Ji, Adam Paxton and Tia Stone; Principal Lonnie Shields; teachers Tom Oerg and Linda Tubman; chaperones Mr. Harrison and Mrs. Spitz.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, May 3, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:02 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND EIGHTH DAY

CARSON CITY (Wednesday), May 3, 1995

Assembly called to order at 11:06 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Freeman, who was excused.

Prayer by the Chaplain, The Reverend Jim Hewett.

Dear Lord: As this Assembly addresses the vital issues of our state, we pray, that guided by Your Spirit, they might seek and find those paths that lead to equity among us. Help them in the welter of competing issues to see with clarity the larger issues of righteousness in our mutual dealings. Give them the wisdom and the courage to make prudent, fair and farsighted decisions. In Your Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 3, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 29.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Segerblom, Nolan, Bennett, Arberry, Bache, Giunchigliani, Harrington, Williams, Krenzer, Freeman, Braunlin, Batten, Manendo, Brower, Ohrenschall, Neighbors, Tripple, de Braga, Close, Sandoval, Carpenter, Buckley, Perkins, Spitler, Lambert, Tiffany, Chowning, Anderson, Stroth, Steel, Goldwater, Ernaut, Schneider, Monaghan, Price, Fettic, Allard, Dini, Evans, Hettrick, Marvel and Humke:

Assembly Concurrent Resolution No. 29—Commending Nevada pioneer and Ruby Valley matriarch, Lourinda Wines.

WHEREAS, Lourinda Mariane Rahbeck was born on March 10, 1901, to Peter K. Rahbeck and Teena May Collins Rahbeck in Gardnerville, Nevada; and

WHEREAS, While attending the University of Nevada in 1922, Lourinda Rahbeck decided to accept a teaching position in the Ruby Valley near Elko; and

WHEREAS, After a 5-day journey from Reno to Deeth via train to Elko and horse-drawn sleigh across the 70-mile-long Ruby Valley, Lourinda Rahbeck arrived at the I. E. Wines Ranch, a ranch which would become a way of life for Lourinda; and

WHEREAS, This captivating young teacher fell in love with and married the owner's son, James B. Wines, and together they raised five children, Blaine, Calvin, Gordon, Mary Lou (Armuth) and Carroll, known as "Buster"; and

WHEREAS, Kerosene lanterns, a wood-burning stove for cooking, no indoor plumbing, ironing with a flat iron on clothes which had to be washed by hand in the creek, were all a part of life that Lourinda Wines willingly accepted as she raised her family in those early years; and

WHEREAS, Since James passed on in 1959, Lourinda Wines has continued to operate the ranch and even joined the Nevada Cattlemen's Association in her late husband's place; and

WHEREAS, Lourinda is a charter member of the American National CowBelle's Association, now known as the American National CattleWomen's Association and she founded the Elko County and Nevada State CowBelle organizations; and

WHEREAS, In 1989, Lourinda Wines was selected as the outstanding CattleWoman of the Year at the National Convention and in 1991 she was named Elko County Cattlewomen's Mother of the Year; and

WHEREAS, Lourinda Wines is also active in the Presbyterian Church of Elko, Ruby Valley Friendship Club, American Association of University Women, Northeastern Nevada Historical Society, Wells Rural Electric Board, Hospital Auxiliary and a china painting club; and

WHEREAS, As current chairman for the Political Action Committee of the Nevada Cattlemen's Association, Lourinda continues to stay busy raising money for this organization; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature commend Lourinda Wines for her years of contributions to this state and honor her for her tenacity, honesty and determination, all of which have made Lourinda Wines one of Nevada's great ladies; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Lourinda Wines.

Assemblyman Segerblom moved the adoption of the resolution.

Remarks by Assemblymen Segerblom, Carpenter, Marvel, Ernaut and Speaker Hettrick.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SEGERBLOM:

Thank you, very much, Mr. Speaker. I would like you to know that just like my mother several years before, my cousin went to teach in Ruby Valley. She married James Wines, a rancher.

Since that time, she has been very happy with the CowBelles, which is now called the American National CattleWomen's Association, but I like CowBelles better. Lourinda was also the first president of the original Twentieth Century Club; the Elko Garden Club; the Ruby Valley Friendship Club; the Girl Scout Council; County, State and American National CowBelles; the National Livestock Board of 1968 and was named as the outstanding National Cattlewoman of the Year and is very active in the Republican party. I'm sure you'll all be interested in that, coming from me. I would like to recognize her today with this Assembly Concurrent Resolution.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I stand in support of Assembly Concurrent Resolution No. 29. There is no question that Lourinda Wines is one of the great ladies of Nevada.

We all become attached to certain people. I grew up in the livestock industry and there are certain people who stand out. There is no question that Lourinda Wines is my favorite cowgirl. She is a great lady. If anyone is in need of help, she is always there to help them. In Ruby Valley, she is the pillar of that community. I just can't say enough about Lourinda and her family. This ranching family has been part of not only Elko County, but the western part of Nevada for many years, and it is indeed a great honor to have them here. I

thank my partner from Boulder City for introducing this resolution. There was another deal here that said Lourinda was a great lady and I guess that is about all you can say. Lourinda, welcome here today.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I, too, stand up in support of Assembly Concurrent Resolution No. 29. I think, Lourinda, you should know that you just have been elected to John Carpenter's Elko County Hall of Fame.

I have known Lourinda Wines all my life. I don't think that I have ever met a more gracious lady than Lourinda. Lourinda has probably done more than any other individual to promote the livestock business in the State of Nevada. It is a pleasure that we are able to honor such a great person today.

Gene, I want to thank you for bringing forward this resolution. It is a great pleasure having you with us, Lourinda, and we hope to see you many, many more years to come.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 29. The Wines family has been in Elko County and the Ruby Valley since the middle 1800s. In fact, anyone that was in attendance for the women's suffrage play the other evening noticed a "Wines" in one of the original discussions about women's suffrage in the 1870s. I think above all else, a family of this strength, stability and class exemplify what Nevada's all about.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I forgot one thing that I would like to mention. There are probably hundreds of thousands of CowBelles in the United States, but here in our midst today, is the one that was chosen the number one CowBelle in the United States. I think that really needs to be emphasized. Thank you.

Speaker Hettrick requested the privilege of the Chair for the purpose of making the following remarks:

I have to say that I rise from the chair in support of this resolution. I have met Calvin and Buster Wines out in the Ruby Valley. My Dad owns property next to Calvin's ranch in the Ruby Valley. They are great neighbors and fine people. In addition, to show you what a small world it really is, I bought a home from one of the Rahbecks in Douglas County. We have a bond going back much farther than you would imagine.

Resolution adopted unanimously.

Assemblyman Segerblom moved that all rules be suspended and that Assembly Concurrent Resolution No. 29 be immediately transmitted to the Senate.

Motion carried unanimously.

By Assemblymen de Braga, Williams, Segerblom, Harrington, Carpenter, Braunlin, Steel, Schneider, Giunchigliani, Bache, Lambert, Chowning, Monaghan, Allard, Stroth, Close, Arberry, Evans, Dini, Buckley, Anderson, Spitler, Goldwater, Ohrenschall, Sandoval, Tripple, Brower, Manendo, Perkins, Neighbors, Nolan, Krenzer, Hettrick, Batten, Humke, Price, Fettic, Bennett, Ernaut, Marvel and Freeman:

Assembly Concurrent Resolution No. 30—Commending Wuzzie Dick George and her family for preserving the traditions of the Northern Paiute People of the Stillwater Marsh.

WHEREAS, Wuzzie Dick George, whose first name means "Small Animal" in Paiute, was born into a band of the Northern Paiutes around 1880 in Jersey Valley near the Stillwater Mountain Range of western Nevada; and

WHEREAS, During her childhood, Wuzzie Dick George learned valuable cultural skills including gathering, cutting and treating tules and cattails for use in crafting tule bags, tule duck decoys, tule balsa boats and cattail mats for covering houses; and

WHEREAS, Wuzzie Dick George volunteered countless hours to teach her skills to others and to record the Paiute language and her memories of past lifeways for posterity; and

WHEREAS, Wuzzie Dick George worked tirelessly as a participant in the creation of the film *Tule Technology: Northern Paiute Uses of Marsh Resources in Western Nevada* which was produced by the Smithsonian Institution and has enabled millions of Americans to share in the rich traditions of the Paiute heritage; and

WHEREAS, Wuzzie Dick George, until her death in 1984, honored and preserved the ways of her ancestors by teaching her skills and respect for tradition to her children and grandchildren, even after being afflicted with arthritis and suffering a stroke during the last years of her life; and

WHEREAS, Jimmy George, the husband of Wuzzie Dick George, was a Native American born between 1875 and 1879 below the south branch of the Carson River in western Nevada where he spent his boyhood learning to hunt waterfowl and rabbits, discovering the customs of his ancestors and developing such skills as making tule balsa boats; and

WHEREAS, Jimmy George, both before and during his marriage to Wuzzie Dick George, spent a major portion of his life working at Soda Lake and on various ranches near Fallon, Nevada, while continuing to engage in the Native American traditions of creating tule duck decoys, boats and mats; and

WHEREAS, Jimmy George became a Native American doctor, or shaman, and earned the respect of his community by effectively treating nearly 1,000 patients; and

WHEREAS, Jimmy George donated numerous hours demonstrating his skills, sharing his vast knowledge of the history of his people and relating his own personal stories and memories to historians; and

WHEREAS, The native artistry of the Northern Paiute People of the Stillwater Marsh continues to be preserved through such projects as a diorama of a camp scene that includes tule baskets, tule duck decoys, a tule balsa boat and a cattail house created for the Churchill County Museum and Archives in Fallon, Nevada; and

WHEREAS, The exhibit in the Churchill County Museum and Archives was refurbished by a son of Wuzzie and Jimmy George, Ivan George, with his sons, Martin and Davin; and

WHEREAS, Pride in Paiute history and tradition is kept alive through the continued efforts of all members of the Fallon Paiute-Shoshone Tribe who teach their children and grandchildren the ways of their ancestors, the Northern Paiute People of the Stillwater Marsh; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 68th session of the Nevada Legislature commend the Fallon Paiute-Shoshone Tribe and the George family for their efforts to honor and keep alive the memory of their ancestors by teaching their history and carrying on their work; and be it further

RESOLVED, That the members of the Nevada Legislature commend Wuzzie and Jimmy George for their lifelong effort to develop and teach the traditions, crafts and skills of their ancestors; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Alvin Moyle, Chairman, of the Fallon Paiute-Shoshone Tribe, to the sons of Wuzzie and Jimmy George, Ivan George of Fallon, Nevada, and Ashley George of Sacramento, California, to the granddaughter of Wuzzie and Jimmy George, Louella George Thomas of Fallon, Nevada, and to the great-grandson of Wuzzie and Jimmy George, Joey Allen of Fallon, Nevada.

Assemblyman de Braga moved the adoption of the resolution.

Remarks by Assemblyman de Braga.

Assemblyman Ernaut requested that Assemblyman de Braga's remarks be entered in the Journal.

ASSEMBLYMAN DE BRAGA:

Thank you, Mr. Speaker. This resolution commends Wuzzie, Jimmy George and their descendants for continuing the ancient arts and history of the Numa Paiute Toi Ticuta (Cattail Eater) people of the Stillwater Marshes.

Although, the George family is named specifically as representatives of their people, we wish to recognize all the families whose arts were handed down from generation to generation and who recognized the importance of retaining the arts and traditions of the area's earliest residents. Unfortunately, members of the family weren't able to be here today, but at their annual pow wow in June, members of the family and tribe will be presented with this resolution honoring all those who have demonstrated respect for their ancestors and pride in their heritage and culture. Thank you.

Resolution adopted unanimously.

Assemblyman de Braga moved that all rules be suspended and that Assembly Concurrent Resolution No. 30 be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Transportation:

Assembly Concurrent Resolution No. 31—Expressing support for programs to mitigate traffic noise.

Assemblyman Chowning moved that the resolution be referred to the Committee on Transportation.

Motion carried.

Senate Concurrent Resolution No. 29.

Assemblyman Stroth moved the adoption of the resolution.

Remarks by Assemblyman Stroth.

Assemblyman Ernaut requested that Assemblyman Stroth's remarks be entered in the Journal.

ASSEMBLYMAN STROTH:

Thank you, Mr. Speaker. In June of 1994, the Las Vegas Dustdevils were a raw but talented young soccer team that had difficulty making it through the exhibition tournament. However, by October 8, 1994, the team won the Continental Indoor Soccer League championship series against the defending CISL champions, the Dallas Sidekicks of Dallas, Texas.

The Dustdevils, with just a 17–11 record during the regular season, not only won the league title in their inaugural season, but also became the first professional champions in Las Vegas since the Stars won the Pacific Coast Baseball title in 1988.

Resolution adopted unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 510, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 106.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 106:

YEAS—40.
NAYS—Price.
Absent—Freeman.

Assembly Bill No. 106 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 267.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Bill No. 267:

YEAS—40.
NAYS—Anderson.
Absent—Freeman.

Assembly Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 338.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 338:

YEAS—41.
NAYS—None.
Absent—Freeman.

Assembly Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 31.
Resolution read third time.
Remarks by Assemblyman de Braga.
Roll call on Assembly Joint Resolution No. 31:

YEAS—41.
NAYS—None.
Absent—Freeman.

Assembly Joint Resolution No. 31 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Bill No. 3.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 3:
YEAS—41.
NAYS—None.
Absent—Freeman.

Senate Bill No. 3 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 4.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 4:
YEAS—41.
NAYS—None.
Absent—Freeman.

Senate Bill No. 4 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 80.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Senate Bill No. 80:
YEAS—41.
NAYS—None.
Absent—Freeman.

Senate Bill No. 80 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 91.
Bill read third time.
Assemblyman Humke moved that Senate Bill No. 91 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Humke.
Motion carried.

Senate Bill No. 124.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Senate Bill No. 124:
YEAS—41.
NAYS—None.
Absent—Freeman.

Senate Bill No. 124 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 148.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Senate Bill No. 148:

YEAS—41.

NAYS—None.

Absent—Freeman.

Senate Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 258.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 258:

YEAS—41.

NAYS—None.

Absent—Freeman.

Senate Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 558—An Act relating to motor vehicles; abolishing the advisory board on automotive affairs; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Manendo (by request):

Assembly Bill No. 559—An Act relating to land use; prohibiting certain deed restrictions which prohibit the display of flags or political signs; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 40.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 349.

Amend section 1, pages 1 and 2, by deleting lines 2 through 26 on page 1 and lines 1 through 33 on page 2, and inserting:

"50.070 1. Any person, corporation, partnership, association or other entity who is:

(a) An employer; or

(b) The employee, agent or officer of an employer, vested with the power to terminate or recommend termination of employment,

of a person who is a witness or who has received a summons to appear as a witness in [any court,] *a judicial or administrative proceeding,* who deprives the witness or person summoned of his employment, as a consequence of his service as a witness or prospective witness, or who asserts to the witness or person summoned that his service as a witness or prospective witness will result in termination of his employment, is guilty of a misdemeanor.

2. A person discharged from employment in violation of subsection 1 may commence a civil action against his employer and obtain:

(a) Wages and benefits lost as a result of the violation;

(b) An order of reinstatement without loss of position, seniority or benefits;

(c) Damages equal to the amount of the lost wages and benefits; and

(d) Reasonable attorney's fees fixed by the court.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 134.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 380.

Amend section 1, page 1, by deleting lines 9 through 25 and inserting: "surrender of the premises [at] :

(a) At or before noon of the fifth full day following the day of service [. The notice] *; or*

(b) If the landlord chooses not to proceed in the manner set forth in paragraph (a) and the rent is reserved by a period of 1 week or less and the tenancy has not continued for more than 45 days, at or before noon of the third full day following the day of service. As used in this paragraph, "day of service" means the day the landlord or his agent personally delivers the notice to the tenant. If personal service was not so delivered, the "day of service" means the day the notice is delivered, after posting and mailing pursuant to subsection 2, to the sheriff or constable for service if the request for service is made before noon. If the request for service by the sheriff or constable is made after noon, the "day of service" shall be deemed to be the day next following the day that the request is made for service by the sheriff or constable.

2. A landlord or his agent who serves a notice to a tenant pursuant to paragraph (b) of subsection 1 shall attempt to deliver the notice in person in the manner set forth in paragraph (a) of subsection 1 of NRS 40.280. If the notice cannot be delivered in person, the landlord or his agent:

(a) Shall post a copy of the notice in a conspicuous place on the premises and mail the notice by certified mail, return receipt requested; and

(b) After the notice has been posted and mailed, may deliver the notice to the sheriff or constable for service in the manner set forth in subsection 1 of NRS 40.280. The sheriff or constable shall not accept the notice for service unless it is accompanied by written evidence, signed by the tenant when he took possession of the premises, that the landlord or his agent informed the tenant of the provisions of this section which set forth the lawful procedures for eviction from a short-term tenancy. Upon acceptance, the sheriff or constable shall serve the notice within 48 hours after the request for service was made by the landlord or his agent.

3. A notice served pursuant to subsection 1 or 2 must:".

Amend sec. 3, page 4, line 35, by deleting "This" and inserting: "[This] *Except as otherwise provided in subsection 4, this*".

Amend sec. 3, page 4, by deleting lines 43 and 44 and inserting: "*continued for more than 45 days, proof of service must include:*

(a) A certificate of mailing issued by the United States Postal Service to the landlord or his agent; and

(b) The endorsement of a sheriff or constable stating the:

(1) Time and date the request for service was made by the landlord or his agent;

(2) Time, date and manner of the service; and

(3) Fees paid for the service.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Conflict of interest declared by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 374.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 378.

Amend sec. 10, page 4, line 43, by deleting the period and inserting: "*or as soon as practicable.*".

Amend sec. 14, page 5, line 28, by deleting the period and inserting: "*or as soon as practicable.*".

Amend sec. 16, page 6, line 7, by deleting the period and inserting: "*or as soon as practicable.*".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 396.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 377.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend sec. 3, page 2, by deleting lines 39 and 40 and inserting:

"176.185 1. [Whenever] *Except as otherwise provided in this section, whenever* any person has been found guilty in a district".

Amend sec. 3, page 2, line 43, by deleting "*14*" and inserting "*16*".

Amend the bill as a whole by deleting sec. 4.

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 409.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 373.

Amend the bill as a whole by deleting sections 1 and 2 and renumbering sec. 3 as section 1.

Amend the bill as a whole by deleting sections 4 and 5 and renumbering sec. 6 as sec. 2.

Amend the title of the bill by deleting the first through third lines and inserting: "An Act relating to state grazing boards; requiring the boards to comply with statutory requirements for open".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 453.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 454.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 171.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 379.

Amend section 1, page 2, line 7, by deleting the period and inserting: "*if the attorney's principal office is located within a judicial district other than the first, second, eighth or ninth judicial district.*".

Assemblyman Humke moved the adoption of the amendment.
Remarks by Assemblyman Humke.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 146, 161; Assembly Concurrent Resolution No. 27.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Dayton High School: J. D. Clinton Bader, Tanya Marie Barnett, Corey James Beasley, Jennifer Summer Bender, Brent Bennett, Richard Anthony Blaver, Natalie Blevens, Cory Patrick Breckenridge, Matthew Craig Buehler, Amy Rochelle Bulman, Christopher Allen Bulthuis, Kevin Christ, Darren Casey Clayton, Jeffrey Richard Dallas, Rachel Lynn Diez, Candace Marie Douglas, Jessica Makala Dunnett, Daniel Patrick Erwin, Daniel Robert Fierro, Jason Thomas Forgette, Mala Chelsey Jane Garrett, Heather Sue Gibson, Marie Elaine Henderson, Mark Allen Hoffert, Richard Jerrad Kordonowy, Charles Ryan Leach, Angela Robin McGifford, James Michael McMasters, Billy Jack Moore, Jeremy Gene Moore, Karie Grace Morgan, Lindsay Marie Nolan, David Vincent Pellegrino, Lawrence Marion Rickmann, Duane Charles Rose, David Scott Ruprecht, Donny Glenn Schmitt, Nicole Mary Silva, Reuben Simonson, Jenelle Christine Smith, Joshua Patrick Soles, Robert William Spargo, Monique Charlene Thomas, Brandon Tison, Robert Paul Vasko, Nicole Renee Watty (Williams), Dawn Wenner and Earl Willey; teacher Mike Longero.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Isaac Pierce.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Bordewich Elementary School: Stephanie Adams, Amanda Adamson, Jenny Baker, Kendra Bergstrong, Jaycee Blocchi, Adrienne Cluff, Kira Brooks, Shawna Conlon, Katy Cron, Crystal Knight, Melissa Mauer, Jessica Ruiz, Marla Soles, Dyana Williford, Mindy Brown, Asa Boyd, Jesse Buyten, Terry Burtlow, James Coleman, Bryce Davidson, Eric Durante, Edward Harper, Nick Huttman, Marcos Labato, Jason Moffett, Bryan Ridge, Thomas Sallee, Taylor Stewart, Alec Wells, Joel Zerr, Steven Blacker, Bridget Bohman, Matthew Borda, Roselynn Brillhart, Jessica Cox, Chelsea Dalton, Jeffrey Erwin, Richard Fowles, Shelby Francoeur, Brandi Higginbotham, Andrei Hill, Lindy Holmes, Clarence Jones, Sarah Longero, Nicole Maddox, Eric Mathews, Victor Medina, Rachel Morrison, Michael Pitlock, Michelle Reyes, Julie Ryan, Joshua Stephens, Scott Waters, Chad Soeller, Jamie Beasley, Cassandra Barnett, Jonathan Baumgardner, Randy

Boyd, Nicole Carey, William Carpenter, Martha Ceballos, Karla Ceballos, Karla Davis, Jamie Day, Lysette Flores, Katie Fricano, Kari Galvan, Chase Hardeman, Frank Keway, Larry Kinkead, Michael Kizer, Gertrudis Lopez, Geoffrey McCurdy, Timothy Millim, Erick Recendiz, Celeste Rivera, Jeffrey Shufelt, Alexis Smith, John Spuehler, Heather Stewart, Michelle Stoner, Alexander Tajner, Chelsea Vigue and Monica Ward; teachers Janie Braun, Konnie McGruder, Carolyn Merson and Marianna Gillian; chaperones Dale Mauer, Gail Mauer, Shirley Knight, Heidi Wells, Terri Shufelt, Julie Shufelt, Nicolette Smith, Susan Hurlbert and Diane Ward.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Paul Knoop.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Claudia Wines.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Jason Doescher.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Gordon Wines, Charles Armuth, Mary Lou Armuth, Blaine Wines, Joni Wines, Pat Rahbeck, Speck Rahbeck, Gretchen Clelland, Darrell Armuth, Spencer Armuth, Lena Armuth, Grace Armuth, Lori A. Passmore, Steven Rahbeck, Cathy Rahbeck, Jeff Rahbeck, Virginia Wines, Vernon Wines, Lindsay Wines, Ashley Wines, Daniel Wines, Tracy Willens, Katlin Willens, Kyle Willens, Maggie Wines, Eimile Wines, Taylor Wines, Ira Wines, Shannon Wines, Peggy Wines, Kelly Wines, Jaby Wines, Jake Wines, Andy Wines, Kris Meibert, Betty Shelley and Rudy Shelley.

On request of Assemblyman Stroth, the privilege of the floor of the Assembly Chamber for this day was extended to Guy Newman and John Kennedy.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Robert Keiser and Marjorie Keiser.

Assemblyman Ernaut moved that the Assembly adjourn until Thursday, May 4, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:12 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND NINTH DAY

CARSON CITY (Thursday), May 4, 1995

Assembly called to order at 11:06 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblymen Carpenter, Price and Tiffany, who were excused.

Prayer by the Chaplain, The Reverend Jim Hewett.

Dear Lord: You have clearly shown us what the good is and what our duty is; to act justly, to love mercy and to walk humbly before You in every aspect of life. Give these, Your servants in this Assembly, a fixed vision on doing good for the people of this state as they make decisions that will impact us for years to come. In Your Sovereign Name and by Your Spirit's power we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 403; Senate Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 36, 52, 382, 536, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 158, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 479, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY SPITLER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Lambert moved that Assembly Bill No. 536 be placed on the Second Reading File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 29, 30.

Also, I have the honor to inform your honorable body that the Senate appointed Senators Porter, Lee and Washington as a first Committee on Conference concerning Senate Bill No. 41.

Also, I have the honor to inform your honorable body that the Senate appointed Senators Neal, Lee and Jacobsen as a first Committee on Conference concerning Senate Bill No. 65.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Joint Resolution No. 35—Urging Congress to reduce the paperwork requirements associated with the National Environmental Policy Act.

Assemblyman de Braga moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Joint Resolution No. 36—Urging the resolution of the litigation over the authorization of grazing permits in the Humboldt National Forest.

Assemblyman de Braga moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 560—An Act relating to procedure in criminal cases; revising the provisions permitting an attendant to support certain prosecuting witnesses at the preliminary hearing and the trial; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 561—An Act relating to state finances; designating the state treasurer as the primary representative of the state in matters concerning any nationally recognized bond credit rating agency for the purposes of the issuance of certain state obligations; making the state treasurer directly responsible for the issuance of such obligations; transferring certain duties relating to the issuance and redemption of state securities from the state board of examiners to the state board of finance; providing that state general obligation bonds are subject to the review and approval of the state board of finance; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 562—An Act relating to elections; removing the limitation on the cost of printing ballots for elections; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 563—An Act relating to the state legislature; authorizing reimbursement to legislators who move to Carson City during a regular legislative session for a certain amount of the cost of renting furniture for use during the session; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 564—An Act relating to elections; defining the term "electioneering" for the purposes of prohibiting certain activities within the area around or inside a polling place; revising the periods for filing for public office for certain candidates; eliminating the requirement that the list of names of the registered voters posted at a polling place be in alphabetical order; revising the period for early voting by personal appearance; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 317.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 401.

Amend section 1, page 1, line 5, by deleting: "of [a] *and sentenced*" and inserting "[of a]".

Amend section 1, page 1, by deleting lines 7 and 8 and inserting: "sentenced as an adult.] *or a person 16 years of age or older who is not subject to the jurisdiction of the juvenile court and who has been charged with or convicted as an adult for:*".

Amend section 1, page 1, line 15, by deleting "*or*".

Amend section 1, page 1, by deleting line 17 and inserting: "*inclusive; or*

(h) Any related crime arising out of the same facts as the offenses listed in paragraphs (a) to (g), inclusive.".

Amend section 1, page 2, by deleting line 12 and inserting:

"(a) [Manslaughter;] *A violation of chapter 484 or 706 of NRS that causes the death of a person;*".

Amend sec. 2, page 2, line 45, by deleting "*or*".

Amend sec. 2, page 2, by deleting line 47 and inserting:

"*(VI), inclusive; or*

(VIII) Any related crime arising out of the same facts as the offenses listed in sub-subparagraphs (I) to (VII), inclusive.".

Amend sec. 4, page 3, by deleting lines 25 through 34 and inserting:

"62.060 1. Whenever any person [over the age of 18 years and under the age of 21 years is accused of a felony or a gross misdemeanor] *between the ages of 16 years and 18 years is accused of:*".

Amend sec. 4, page 3, line 35, by deleting "*(1)*" and inserting "*(a)*".

Amend sec. 4, page 3, line 37, by deleting "*(2)*" and inserting "*(b)*".

Amend sec. 4, page 3, line 38, by deleting "*(3)*" and inserting "*(c)*".

Amend sec. 4, page 3, line 39, by deleting "*(4)*" and inserting "*(d)*".

Amend sec. 4, page 3, line 40, by deleting "*(5)*" and inserting "*(e)*".

Amend sec. 4, page 3, by deleting lines 41 through 43 and inserting:

"*(f) Robbery with the use of a deadly weapon;*

(g) An attempt to commit any offense listed in paragraphs (a) to (f), inclusive; or

(h) Any related crime arising out of the same facts as the offenses listed in paragraphs (a) to (g), inclusive,".

Amend sec. 4, page 4, line 20, by deleting "certified for" and inserting: "[certified for] *subjected to*".

Amend sec. 7, page 7, by deleting lines 23 through 25 and inserting: "[The] *All proceedings pursuant to this chapter must be open to the general public unless the judge, or in case of a reference, the referee, upon his own motion or upon the motion of another person, determines that all or part of the proceedings must be closed to the general public because such closure is*

in the best interests of the child or the general public. If the judge or referee determines that all or part of the proceedings must be closed to the general public, the general public".

Amend sec. 7, page 8, by deleting line 23 and inserting:

"10. The [district attorney may] *prosecuting attorney shall* disclose to the victim of an act".

Amend sec. 8, page 9, line 14, by deleting: "*parent, guardian or custodian*" and inserting: "*parent or guardian*".

Amend sec. 8, page 9, line 17, by deleting: "*parent, guardian or custodian*" and inserting: "*parent or guardian*".

Amend sec. 8, page 9, by deleting lines 23 and 24 and inserting: "*years. If the child does not possess a driver's license, the court*".

Amend sec. 11, page 12, by deleting lines 5 through 37 and inserting:

"62.350 1. The fingerprints of a child [14 years of age or older] who is arrested for an act that would be a felony if committed by an adult may be taken and retained by law enforcement officers as provided in subsection [4.

2. If a child under 14 years of age is being investigated for an act that would be a felony if committed by an adult, he may be fingerprinted with a proper court order.

3.] *3.*

2. If latent fingerprints are found during the investigation of an offense and a law enforcement officer has reason to believe that they are those of a child in custody, he may fingerprint the child [, regardless of his age or the nature of the offense,] for the purpose of making an immediate comparison with the latent fingerprints. If [the child is under 14 years of age and] the comparison is:

(a) Negative, the fingerprint card and other copies of the fingerprints taken [must] *may* be immediately destroyed [.] *or may be retained for future use.*

(b) Positive, the fingerprint card and other copies of the fingerprints [must be:

(1) Delivered] *:*

(1) Must be delivered to the court for disposition if the child is referred to court.

(2) [Immediately] *May be immediately* destroyed *or may be retained for future use* if the child is not referred to court.

Fingerprints must not be submitted to the Federal Bureau of Investigation or Criminal Identification and Investigation Bureau of California unless the child is found to have committed an act of delinquency that would be a felony if committed by an adult.

[4.] *3.* If the fingerprints of a child [14 years of age or older] are taken pursuant to subsection 1 or [3,] *2,* they may be retained in a local file, including any local system for the automatic retrieval of fingerprints, or sent to a central state depository but they must be kept separate from those of adults, under special security measures limited to inspection for the purpose of comparison by law enforcement officers or by staff of the depository only in the investigation of a crime.

[5.] *4.* A child in custody [shall not] *must* be photographed for the purpose of [criminal identification without the consent of the judge unless the case is certified for criminal prosecution.

6.] *identification. The photograph must be kept in the file pertaining to the child, under special security measures limited to inspection by law enforcement officers only in the investigation of a crime.*

5. Any person who willfully violates any provision of this section is guilty".

Amend sec. 12, page 12, by deleting line 41 and inserting: "*unless the proceedings are opened to the general*".

Amend sec. 16, page 13, line 36, after "*the*" by inserting "*legislative*".

Amend sec. 17, pages 13 and 14, by deleting lines 37 through 47 on page 13 and lines 1 through 5 on page 14 and inserting:

"Sec. 17. *1. The legislative commission on sentencing is hereby created. The commission consists of:*

(a) One nonvoting member who is a district judge, appointed by the governing body of the Nevada District Judges Association;

(b) One nonvoting member who is a district attorney, appointed by the governing body of the Nevada District Attorneys Association;

(c) One nonvoting member who is an attorney in private practice, experienced in defending criminal actions, appointed by the governing body of the State Bar of Nevada;

(d) One nonvoting member who is a representative of a law enforcement agency, appointed by the governor;

(e) One nonvoting member who is a representative of the division of parole and probation of the department of motor vehicles and public safety, appointed by the governor;

(f) One nonvoting member who has been a victim of a crime or is a representative of an organization supporting the rights of victims of crime, appointed by the governor;

(g) One nonvoting member who is a county commissioner, appointed by the governing body of the Nevada Association of Counties;

(h) Two voting members who are senators, appointed by the majority leader of the senate; and

(i) Three voting members who are assemblymen, one of whom must reside in a county whose population is less than 100,000, appointed by the speaker of the assembly.

If any association listed in this subsection ceases to exist, the appointment required by this subsection must be made by the association's successor in interest or, if there is no successor in interest, by the governor.

2. The legislative commission shall designate one voting member of the commission to serve as chairman.".

Amend sec. 17, page 14, line 6, by deleting "*5.*" and inserting "*3.*".

Amend sec. 17, page 14, line 10, by deleting "*6.*" and inserting "*4.*".

Amend sec. 17, page 14, line 14, by deleting "*7.*" and inserting "*5.*".

Amend sec. 18, page 14, by deleting line 27 and inserting:

"*3. Recommend changes in the structure of sentencing in this state which, to the extent*".

Amend sec. 18, page 15, line 10, by deleting: "*guidelines for sentencing,*" and inserting: "*changes in the structure of sentencing in this state,*".

Amend sec. 21, page 16, line 34, by deleting "30" and inserting "[30] *45*".

Amend sec. 21, page 16, line 37, by deleting "30" and inserting "[30] *45*".

Amend sec. 22, page 17, line 15, after "*statute.*" by inserting: "*If the chief parole and probation officer recommends that the sentence of a probationer be modified and the modified sentence be executed, he shall provide notice of the recommendation to any victim of the crime for which the probationer was convicted who has requested in writing to be notified and who has provided his current address to the division. The notice must inform the victim that he has the right to submit documents to the court and to be present and heard at the hearing to determine whether the sentence of a probationer who has violated a condition of his probation should be modified. The court shall not modify the sentence of a probationer and cause the sentence to be executed until it has confirmed that the chief parole and probation officer has complied with the provisions of this subsection. The chief parole and probation officer must not be held responsible when such notification is not received by the victim if the victim has not provided a current address.*".

Amend sec. 24, page 17, by deleting line 27 and inserting: "*state prison for life with or without the possibility of parole. If the penalty fixed by the court is life imprisonment with the possibility of parole, eligibility for parole begins when a minimum of 20 years has been served.*".

Amend sec. 24, page 17, line 28, by deleting "*district*" and inserting "*prosecuting*".

Amend sec. 25, page 17, line 39, by deleting "*offense,*" and inserting: "*offense unless the conviction is otherwise admissible for the purpose of impeachment or another lawful purpose,*".

Amend sec. 25, page 18, line 3, after "*defendant.*" by inserting: "*At such a hearing, the defendant may not challenge the validity of a previous conviction.*".

Amend sec. 25, page 18, by deleting line 12 and inserting: "*the purpose of impeachment or another lawful purpose.*".

Amend sec. 26, page 18, line 41, by deleting "district" and inserting "[district] *prosecuting*".

Amend sec. 27, page 19, line 19, by deleting "*The*" and inserting "*Except as otherwise provided in NRS 209.429, the*".

Amend sec. 27, page 19, by deleting line 21 and inserting: "*pursuant to subsection 3 and who has:*

(a) Established a position of employment in the community;

(b) Enrolled in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

assign the offender to the custody of the division of".

Amend sec. 27, page 19, by deleting line 25 and inserting:

"*2. Upon receiving a request to serve a term of residential confinement from an eligible offender, the director shall notify the division of parole and probation. If any victim of a crime committed by the offender has, pursuant to subsection 3 of NRS 213.130, requested to be notified of an application for parole and provided a current address, the division of parole and probation shall notify the victim of the offender's request and advise the victim that he may submit documents regarding the request to the director. The director shall not assign an offender to serve a term of residential confinement until the director has confirmed that the division of parole and probation has notified the victim of his right to submit documents to the director pursuant to this subsection and the victim has been given the opportunity to submit any documents. If a current address has not been provided as required pursuant to subsection 3 of NRS 213.130, the director and the division of parole and probation must not be held responsible if such notification is not received by the victim.*

3. The director, after consulting with the division of parole and probation, shall adopt, by regulation, standards providing which".

Amend sec. 27, page 19, by deleting lines 38 and 39 and inserting:

"*(e) Has been more than one time convicted of any felony in this state or any offense in another state that would be a felony if committed in this state, not including a violation of NRS 484.3792 or 484.3795; or*".

Amend sec. 27, page 19, line 45, by deleting "*3.*" and inserting "*4.*".

Amend sec. 27, page 20, line 10, by deleting "*4.*" and inserting "*5.*".

Amend sec. 27, page 20, line 18, by deleting "*5.*" and inserting "*6.*".

Amend sec. 28, page 20, by deleting lines 30 through 35 and inserting:

"209.425 [,] *and:*

(a) Established a position of employment in the community;

(b) Enrolled in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

assign the offender to the custody of the division of parole and probation of the department of motor vehicles and public safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence.

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he must submit to the division a signed document stating that:

(a) He will comply with the terms or conditions of his residential confinement; and

(b) If he fails to comply with the terms or conditions of his residential confinement and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.

3. If an offender assigned to the custody of the division of parole and".

Amend sec. 28, page 20, line 47, by deleting "3." and inserting "4.".

Amend sec. 28, page 21, line 7, by deleting "4." and inserting "5.".

Amend sec. 30, page 21, line 26, after "person" by inserting: ", *including a governmental entity,*".

Amend sec. 30, page 21, by deleting line 29 and inserting:

"(c) [The surviving spouse, parents or children of such a person.] *A relative of a person described in paragraph (a) or (b). For the purposes of this paragraph, a "relative" of a person includes:*

(1) A spouse, parent, grandparent or stepparent;

(2) A natural born child, stepchild or adopted child;

(3) A grandchild, brother, sister, half brother or half sister; or

(4) A parent of a spouse.".

Amend sec. 31, page 21, line 33, by deleting "inclusive." and inserting: "inclusive, and section 5 of [this act.] *Senate Bill No. 61 of this session.*".

Amend the bill as a whole by renumbering sections 41 through 43 as sections 42 through 44 and adding a new section designated sec. 41, following sec. 40, to read as follows:

"Sec. 41. Section 1 of Assembly Bill No. 125 of this session is hereby amended to read as follows:

Section 1. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212, if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) Order the parent, guardian or custodian of the child, and any brothers, sisters or other persons living in the same household as the child over whom the court has jurisdiction to attend or participate in counseling, alone or together with the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse or techniques of dispute resolution.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from applying for a driver's license for not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to apply for a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to apply for a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall not report a suspension pursuant to this paragraph to an insurance company or its agent inquiring about the child's driving record or require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of [a] *:*

(1) A public organization to work on public projects *;*

(2) A public agency to work on projects to eradicate graffiti; or [a]

(3) A private nonprofit organization to perform *other* public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. *As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of*

money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

2. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in subsection 1 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

3. At any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

4. Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

5. In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.".

Amend sec. 41, page 26, by deleting line 32 and inserting: "Sec. 42. NRS 176.003, 176.006, 176.009 and 176.011 are".

Amend sec. 42, page 26, by deleting lines 34 through 36 and inserting:

"Sec. 43. As soon as practicable, each entity required to appoint a member of the legislative commission on sentencing pursuant to subsection 1 of section 17 of this act shall appoint each member that the entity is required to appoint for an initial term".

Amend sec. 43, page 26, by deleting lines 38 and 39 and inserting:

"Sec. 44. The amendatory provisions of this act do not apply to offenses which are committed before the effective date of this act.".

Amend the bill as a whole by renumbering sec. 44 as sec. 46 and adding a new section designated sec. 45, following sec. 44, to read as follows:

"Sec. 45. Notwithstanding the provisions of subsection 1 of NRS 354.599, each local government shall pay any additional expenses related to the provisions of this act from existing revenues of that local government.".

Amend sec. 44, page 26, by deleting line 40 and inserting:

"Sec. 46. This act becomes effective upon passage and approval.".

Amend the bill as a whole by deleting the leadline of NRS 213.080 from the leadlines of repealed sections.

Amend the title of the bill, third line, after "creating the" by inserting "legislative".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 510.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 536.

Bill read second time.

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

Amendment No. 408.

Amend section 1, page 1, by deleting line 16 and inserting:

"(g) The chairman of the [local government advisory committee.] *committee on local government finance.*".

Amend sec. 3, page 2, by deleting line 36 and inserting:

"*1. "Committee" means the committee on local government finance.*".

Amend sec. 4, page 2, by deleting lines 42 through 45 and inserting:

"Sec. 4. *1. A local government shall be deemed to be in a condition of severe financial emergency if:*

(a) The department finds the local government to be in a condition of financial difficulty pursuant to NRS 354.660; and

(b) The governing body of the local government adopts a resolution stating that it is unable to pay its expenses of operating for 1 or more months.

The department shall take over the management of a local government that is in a condition of severe financial emergency as soon as practicable after the conditions of paragraphs (a) and (b) have been met.".

Amend sec. 4, page 3, line 12, by deleting "*Approve*" and inserting: "*Negotiate and approve*".

Amend sec. 4, page 3, line 36, after "*4.*" by inserting: "*Each state agency, board, department, commission, committee or other entity of the state shall provide such technical assistance concerning the management of the local government as is requested by the department.*

5.".

Amend sec. 4, page 3, between lines 38 and 39 by inserting:

"*6. Once the department has taken over the management of a local government pursuant to the provisions of subsection 1, that management may only be terminated pursuant to section 6 of this act.*".

Amend sec. 7, page 4, by deleting lines 13 and 14 and inserting: "after hearing the advice and recommendations of the [local governmental advisory committee.] *committee on local government finance.*".

Amend sec. 8, page 4, by deleting lines 31 and 32 and inserting: "result, the Nevada tax commission shall request the [local governmental advisory] committee *on local government finance* to prepare a statement of the prior cost of performing".

Amend sec. 8, page 4, by deleting lines 34 and 35 and inserting: "receipt of such a request, the [local governmental advisory] committee *on local government finance* shall prepare a statement pursuant to the request and transmit it to the".

Amend sec. 8, page 4, by deleting line 37 and inserting: "amend the statement of the [local governmental advisory committee.] *committee on local government finance.*".

Amend sec. 9, page 6, by deleting lines 1 and 2 and inserting:

"354.59872 1. A local government may apply to the [local governmental advisory] committee *on local government finance* for a determination of the amount of revenue".

Amend sec. 9, page 6, by deleting line 6 and inserting: "tion 1, the [local governmental advisory] committee *on local government finance* shall make a".

Amend sec. 9, page 6, by deleting lines 11 and 12 and inserting:

"3. Upon receipt of the determination of the [local governmental advisory committee,] *committee on local government finance,* the local government may petition the Nevada tax com-".

Amend sec. 10, page 6, lines 23 and 24, by deleting: "*local governmental finance committee*" and inserting: "*committee on local government finance*".

Amend sec. 10, page 6, lines 32 and 33, by deleting: "*local governmental finance committee*" and inserting: "*committee on local government finance*".

Amend sec. 11, page 6, by deleting line 36 and inserting:

"266.0165 1. The [local governmental advisory committee,] *committee on local government finance,* con-".

Amend sec. 12, page 7, by deleting lines 11 and 12 and inserting: "set forth in NRS 266.017 have been satisfied, from the [local governmental advisory committee.] *committee on local government finance.* The report must be in writing and be delivered".

Amend sec. 13, page 7, by deleting lines 32 and 33 and inserting: "commissioners, the department of taxation shall file with the [local governmental advisory] committee *on local government finance* a statement of estimated fiscal effect".

Amend sec. 13, page 7, by deleting line 36 and inserting:

"3. The [local government advisory] committee *on local government finance* shall:".

Amend sec. 14, page 7, by deleting line 45 and inserting:

"266.0264 1. If the [local governmental advisory] committee *on local government finance*".

Amend sec. 14, page 8, by deleting lines 1 and 2 and inserting:

"2. After a determination by the [local governmental advisory] committee *on local government finance* that a petition does not satisfy the requirements of NRS 266.017,".

Amend sec. 15, page 8, by deleting lines 8 and 9 and inserting: "is aggrieved by the determination of the [local governmental advisory] committee *on local government finance* pursuant to NRS 266.0264 may appeal the determination".

Amend sec. 15, page 8, by deleting line 15 and inserting: "[local governmental advisory] committee *on local government finance* may be reversed only upon".

Amend sec. 15, page 8, by deleting line 18 and inserting: "determination of the [local governmental advisory] committee *on local government finance* is".

Amend sec. 15, page 8, by deleting lines 20 and 21 and inserting: "and the procedure for incorporation must be continued as if the [local governmental advisory] committee *on local government finance* had not made its determination.".

Amend sec. 16, page 8, by deleting lines 28 and 29 and inserting: "and retirement schedules, in the detail and form established by the [local governmental advisory] committee *on local government finance* at least 30 days before the annual".

Amend the bill as a whole by deleting sec. 17 and renumbering sections 18 through 21 as sections 17 through 20.

Amend sec. 20, page 9, by deleting lines 36 and 37 and inserting: "effective date of this act wherever the phrase "committee on local government finance" appears in those sections, it shall be deemed to mean the "local".

Amend sec. 21, page 9, by deleting lines 42 and 43 and inserting: "reference to the "local governmental advisory committee" to the "committee on local government finance." ".

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

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Goldwater moved that Assembly Bill No. 58 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Goldwater.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 155.
Bill read third time.
Remarks by Assemblyman Sandoval.
Roll call on Assembly Bill No. 155:
YEAS—39.
NAYS—None.
Absent—Carpenter, Price, Tiffany—3.

Assembly Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 453.
Bill read third time.
Remarks by Assemblymen Harrington and Goldwater.
Roll call on Assembly Bill No. 453:
YEAS—39.
NAYS—None.
Absent—Carpenter, Price, Tiffany—3.

Assembly Bill No. 453 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 454.
Bill read third time.
Remarks by Assemblyman Ernaut.
Roll call on Assembly Bill No. 454:
YEAS—39.
NAYS—None.
Absent—Carpenter, Price, Tiffany—3.

Assembly Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 58.
Bill read third time.
The following amendment was proposed by Assemblyman Goldwater:
Amendment No. 391.

Amend sec. 4, pages 2 and 3, by deleting lines 40 through 47 on page 2 and lines 1 through 8 on page 3 and inserting:

"Sec. 4. (Deleted by amendment.)".

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "sioner discretionary rather than mandatory; and providing other matters properly".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bills Nos. 172, 173.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to the following students of Bordewich-Bray Elementary School: Kurt Brooks, Misty Coratibo, Nicholas Crosby, Patrick Duncan, Matthew Erwin, Theresa Fowles, Carlos Hernandez, Joshua Houseweart, Jennifer Laaker, Aaron Lobato, Fallon Maddox, Amber Moore, Chad Niblett, Valerie Parker, Roger Pattison, Halley Picton, Todd Rehbein, Cristyn Rupert, Chantrai Sok, Kathyrn Stewart, Janine Stone, Ryan Timmons and Adrian Walch; teacher Annette Hodorowicz; chaperones Iliana Rodriquez and Steva Parker.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Eric B. Herzik.

Assemblyman Perkins moved that the Assembly adjourn until Friday, May 5, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:35 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TENTH DAY

CARSON CITY (Friday), May 5, 1995

Assembly called to order at 11:04 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblymen Price and Tiffany, who were excused.

Prayer by the Chaplain, The Reverend Jim Hewett.

Sovereign and Gracious Lord: As we gather in this place, we seek Your guidance. We are grateful for Your strengthening love that surrounds us and enables us to commit ourselves to the vital tasks before us. May Your blessing be upon all who seek to follow Your righteous ways. In Your Sacred Name, we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

Assemblyman Nolan moved that the Assembly recess subject to the call of the Chair for the purpose of hearing a musical rendition by Bill "The Fox" Foster.

Motion carried.

Assembly in recess at 11:07 a.m.

ASSEMBLY IN SESSION

At 11:10 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was re-referred Assembly Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 23, 280, 289, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Lambert moved that Assembly Bill No. 536 be placed at the top of the General File.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 134 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Steel moved that Senate Bill No. 171 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Chowning moved that Assembly Bill No. 258 be re-referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Batten:

Assembly Bill No. 565—An Act relating to crimes; revising the provisions governing the granting of probation or parole for a person convicted of harassment, stalking or a crime constituting domestic violence; authorizing a program of electronic monitoring of certain persons; and providing other matters properly relating thereto.

Assemblyman Batten moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Schneider, Goldwater, Buckley, Spitler, Bache, Monaghan, Manendo, Ohrenschall, Tripple, Williams, Segerblom, de Braga and Neighbors:

Assembly Bill No. 566—An Act relating to public employees; extending the period during which the committee on benefits shall review the history of claims paid from the state's group insurance for certain public officers and employees; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 536.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 536:

YEAS—40.

NAYS—None.

Absent—Price, Tiffany—2.

Assembly Bill No. 536 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Assemblyman Lambert moved that all rules be suspended and that Assembly Bill No. 536 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Bill No. 40.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 40:

YEAS—40.

NAYS—None.

Absent—Price, Tiffany—2.

Assembly Bill No. 40 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 374.

Bill read third time.

Remarks by Assemblymen Steel and Carpenter.

Roll call on Assembly Bill No. 374:

YEAS—40.

NAYS—None.

Absent—Price, Tiffany—2.

Assembly Bill No. 374 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 396.

Bill read third time.

Remarks by Assemblymen Sandoval and Nolan.

Roll call on Assembly Bill No. 396:

YEAS—40.

NAYS—None.

Absent—Price, Tiffany—2.

Assembly Bill No. 396 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 409.

Bill read third time.

Remarks by Assemblyman Fettic.

Roll call on Assembly Bill No. 409:

YEAS—40.

NAYS—None.

Absent—Price, Tiffany—2.

Assembly Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 510.

Bill read third time.

Remarks by Assemblyman Bache.

Conflict of interest declared by Assemblyman Harrington.

Roll call on Assembly Bill No. 510:

YEAS—39.

NAYS—None.

Absent—Price, Tiffany—2.

Not voting—Harrington.

Assembly Bill No. 510 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 285, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 567—An Act relating to judicial proceedings; authorizing the expediting of proceedings in juvenile court and trials involving a child as a witness or victim; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 568—An Act relating to animals; revising various provisions governing the prevention of cruelty to animals; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 569—An Act relating to elections; revising the provisions governing early voting by personal appearance; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 570—An Act relating to crimes; providing a penalty for certain convicted habitually fraudulent felons; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 36.

Bill read second time.

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

Amendment No. 311.

Amend section 1, page 1, by deleting lines 8 through 19 and inserting:

"(a) If that correspondence identifies or can be readily associated with the identity of any person other than a public officer or employee acting in his official capacity [,] *and has been in the possession of the division for less than 10 years,* the name and facts which identify that person must be deleted before the correspondence is disclosed, unless the person so named or identified is deceased or gives his prior written permission for the disclosure.

(b) *Any records that have been declared by law to be confidential are not subject to the provisions of this subsection during the period of confidentiality specified in NRS 378.300.*

(c) Any agreement between a former governor and the division made before the passage of this act which provides for a period of confidentiality [,] is unaffected by the provisions of this section.

[(c)] *(d)* Records of the governor's office which are transferred to the division".

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblyman Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 52.

Bill read second time.

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

Amendment No. 381.

Amend section 1, page 1, line 2, by deleting "11," and inserting "13,".

Amend sec. 2, page 1, line 3, by deleting "*11,*" and inserting "*13,*".

Amend sec. 7, page 2, by deleting line 2 and inserting: "*"A-," "A," "AA," "AAA," or their equivalents, 90 days before and on the day the bonds are sold and:*".

Amend sec. 7, page 2, by deleting lines 4 and 5.

Amend sec. 7, page 2, line 6, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 7, page 2, line 7, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 7, page 2, line 9, by deleting "*and 10*" and inserting: "*to 12, inclusive,*".

Amend sec. 7, page 2, line 11, by deleting: "*not a general obligation bond that has been*".

Amend sec. 7, page 2, by deleting line 32 and inserting: "*trative officer and chief financial officer of the municipality*".

Amend sec. 7, page 2, line 36, by deleting "*officer,*" and inserting "*officer and*".

Amend sec. 7, page 2, line 37, by deleting "*and financial adviser*".

Amend sec. 7, page 2, between lines 39 and 40, by inserting:

"*(j) Bonds which are sold at a time when, because of particular conditions in the market, a negotiated sale may provide a benefit to the municipality which would not be available if the bonds were sold by competitive bid, if the chief administrative officer and chief financial officer of the municipality so certify.*

(k) Bonds which are issued pursuant to chapter 271 of NRS and are not secured by a pledge of the taxing power and general fund of the municipality.

(l) Revenue bonds which are issued pursuant to chapter 350A of NRS and are secured by a pledge of the allocable local revenues of the municipality.".

Amend sec. 7, pages 2 and 3, by deleting lines 43 through 48 on page 2 and lines 1 through 5 on page 3, and inserting: "*may provide a substantial benefit if the refunding bonds are negotiated. The certificate required by paragraph (j) of subsection 2 must specifically describe the particular conditions in the market which indicate that a negotiated sale of the bonds may provide a benefit to the municipality. Each certificate required pursuant to subsection 2 must include:*

(a) The estimated amount of the benefit which will accrue to the municipality.

(b) If the municipality has a financial adviser, a written report prepared by that financial adviser which specifically describes the method of sale which will be used for the proposed financing.

4. A copy of:

(a) The certificate required by paragraph (h), (i) or (j) of subsection 2; and

(b) The report required pursuant to subsection 3,

must be filed with the general obligation bond commission of the county where the municipality is located, the county clerk and the department of taxation. Before entering into a contract to sell bonds, at least two-thirds of the members of the governing body of the municipality must approve the certificate.

5. If a municipality is required to sell the bonds it issues by competitive bid pursuant to the provisions of this section, it must".

Amend sec. 9, page 4, line 6, by deleting "*5*" and inserting "*6*".

Amend sec. 9, page 4, line 8, by deleting "*5*" and inserting "*6*".

Amend sec. 10, page 4, by deleting line 30 and inserting: "2. *The chief administrative officer and chief financial officer*".

Amend sec. 10, page 4, line 31, by deleting "*adviser*".

Amend sec. 10, page 4, line 32, by deleting "*7*" and inserting "*9*".

Amend the bill as a whole by renumbering sections 11 through 15 as sections 13 through 17 and adding new sections designated sections 11 and 12, following sec. 10, to read as follows:

"Sec. 11. *1. If a municipality wishes to sell its bonds by competitive bid and use the services of a financial adviser to do so, it shall provide notice*

of the request for proposals in a manner that ensures that a reasonable number of financial advisers for the size of the bond issue are notified of the request. The governing body of the municipality shall approve the notice.

2. The procedure for a request for proposals established by a municipality, including any requirement relating to the municipality's policy of equal opportunity concerning the selection of financial advisers, must be described in the written statement of the debt management policy of the municipality.

3. A municipality may sell by competitive bid the bonds described in the request for proposals and use the services of the financial adviser it selects for not more than 6 years after the selection of the financial adviser. If bonds are not described in the request for proposals or if a sale by competitive bid occurs more than 6 years after the selection of a financial adviser, the municipality shall request proposals from financial advisers pursuant to subsection 1 before it selects a financial adviser for that sale by competitive bid.

4. As used in this section, "request for proposals" means a statement which requests that prospective financial advisers submit proposals to the municipality to provide financial services for the sale by competitive bid.

Sec. 12. *The governing body of a municipality which sells bonds by competitive bid and uses the services of a financial adviser shall establish a procedure for the selection of a proposal for the sale of the bonds. The procedure must include a consideration of:*

1. The ability and experience of the responding financial adviser; and

2. The degree to which the responding financial adviser meets the needs of the municipality and minimizes the risk and cost to the municipality.".

Amend sec. 11, page 4, line 34, by deleting "*certificate*" and inserting "*report*".

Amend sec. 11, page 4, line 35, by deleting "*11,*" and inserting "*13,*".

Amend sec. 12, page 4, line 43, by deleting "*11,*" and inserting "*13,*".

Amend sec. 13, page 5, line 6, by deleting "*11,*" and inserting "*13,*".

Amend sec. 14, page 5, line 18, by deleting "*11,*" and inserting "*13,*".

Amend sec. 15, page 5, line 25, after the period by inserting: "The governing body may issue a single issue of bonds to defray the costs of projects in two or more improvement districts if the principal amount of those bonds does not exceed the total uncollected assessments levied in each improvement district.".

Amend sec. 15, page 5, line 27, by deleting "*11,*" and inserting "*13,*".

Amend sec. 15, page 6, line 14, by deleting "[;]".

Amend sec. 15, page 6, line 20, by deleting "under" and inserting "pursuant to".

Amend sec. 15, page 6, by deleting line 21 and inserting: "but has elected to proceed pursuant to subsection 1 of that section.".

Amend the bill as a whole by adding new sections designated sections 18 and 19, following sec. 15, to read as follows:

"Sec. 18. The provisions of this act do not apply to any agreement for the sale of bonds entered into between an underwriter and a municipality before October 1, 1995. Any such agreement expires 6 years after the agreement is executed.

Sec. 19. Section 17 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblyman Neighbors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 382.

Bill read second time.

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

Amendment No. 375.

Amend section 1, page 1, by deleting lines 4 through 7 and inserting:

"*1. In the case of a change in the project as described in subsection 2, the owner of the property that will be assessed for the cost of the additional work may at any time waive in writing:*

(a) The requirements of subsection 9 of NRS 271.305 and subsection 4 of NRS 271.325;

(b) The requirements regarding notice and hearing of NRS 271.305, 271.310, 271.380, 271.385 and 271.415 relating to the change; and

(c) The 30-day period for payment provided in NRS 271.405.

Notwithstanding any other require-".

Amend section 1, page 1, line 14, by deleting the period and inserting: ", *if the owner who is requesting the addition agrees in writing that his property will be assessed for the cost of the additional work.*".

Amend sec. 4, page 3, line 31, by deleting: "*that is due after*" and inserting: "*to the extent that*".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 403.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 431.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 436.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 414.

Amend section 1, page 1, line 16, after "*3.*" by inserting: "*A board of county commissioners shall not enact an ordinance pursuant to subsection 2 unless it determines that:*

(a) The county has fully funded its indigent care account created pursuant to NRS 428.010;

(b) The county has fulfilled its duty to reimburse the hospital for indigent care provided to qualified indigent patients; and

(c) During the previous calendar year:

(1) At least one of the hospital's accounts payable was more than 90 days in arrears;

(2) The hospital failed to fulfill its statutory financial obligations, such as the payment of taxes, premiums for industrial insurance or contributions to the public employees' retirement system;

(3) One or more of the conditions of financial difficulty set forth in NRS 354.660 existed at the hospital; or

(4) The hospital received notice from the Federal Government or the State of Nevada that the certification or licensure of the hospital was in imminent jeopardy of being revoked because the hospital had not carried out a previously established plan of action to correct previously noted deficiencies found by the regulatory body.

4.".

Amend sec. 1, page 2, line 1, by deleting "*4.*" and inserting "*5.*".

Amend the bill as a whole by renumbering sections 4 and 5 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 450.175 is hereby amended to read as follows:

450.175 1. In counties where the board of county commissioners is the board of hospital trustees, the board of [county commissioners] *hospital trustees* may appoint a hospital advisory board [, consisting of five members,] which shall exercise powers and duties delegated to [such] *the* advisory board by the board of [county commissioners.] *hospital trustees.*

2. Members of a hospital advisory board [shall] *must* be appointed by a majority vote of the board of [county commissioners] *hospital trustees* and shall serve at the pleasure of [such board of county commissioners.] *the board.*

3. Members of the hospital advisory board may receive compensation for their services of no more than $100 per month.".

Amend sec. 4, page 3, between lines 16 and 17 by inserting:

"*3. A board of county commissioners shall not enact an ordinance pursuant to subsection 2 unless it determines that:*

(a) The county has fully funded its indigent care account created pursuant to NRS 428.010;

(b) The county has fulfilled its duty to reimburse the hospital for indigent care provided to qualified indigent patients; and

(c) During the previous calendar year:

(1) At least one of the hospital's accounts payable was more than 90 days in arrears;

(2) The hospital failed to fulfill its statutory financial obligations, such as the payment of taxes, premiums for industrial insurance or contributions to the public employees' retirement system;

(3) One or more of the conditions of financial difficulty set forth in NRS 354.660 existed at the hospital; or

(4) The hospital received notice from the Federal Government or the State of Nevada that the certification or licensure of the hospital was in imminent jeopardy of being revoked because the hospital had not carried out a previously established plan of action to correct previously noted deficiencies found by the regulatory body.".

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblyman Neighbors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 479.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 158.

Bill read second time and ordered to third reading.

Senate Bill No. 232.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Concurrent Resolutions Nos. 29, 30.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Brittany Bennett, Brooke Pulliam, Bill "The Fox" Foster and Nancy Grade.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Yolanda West, Rose Cirae, James Schweppe and Margaret Schweppe.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Debbie Mellette.

On request of Assemblyman Steel, the privilege of the floor of the Assembly Chamber for this day was extended to Charles Muth.

Assemblyman Ernaut moved that the Assembly adjourn until Monday, May 8, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:59 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly
LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTEENTH DAY

CARSON CITY (Monday), May 8, 1995

Assembly called to order at 11:09 a.m.
Speaker Dini presiding.
Roll called.
All present.
Prayer by the Chaplain, The Reverend Jeff Flaherty.

Lord, we come before You and give You thanks. Thanks for living in a country that is free and thanks for the opportunity to serve You. I ask for a special blessing upon the members of this governing body and their families. Lord, grant them wisdom as they make important decisions for this great state. Lord, lead us and guide us down Your path. Lord, we take time to remember the people in Oklahoma who have lost family and friends. I pray that You comfort them in the time of need and that Your peace would rest upon their troubled hearts. Thank You for Your kindness and understanding. May the Lord bless you and keep you; may He make His face to shine upon you. AMEN.

Pledge of allegiance to the Flag.

Assemblyman Perkins moved that further reading of the Journal be dispensed with, and the Speaker and Chief Clerk be authorized to make the necessary corrections and additions.
Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing a musical rendition, "Part of the Heartland," written by Terri Bond and Chris Sciarrotta in tribute to the victims of the Oklahoma City tragedy.

Assembly in recess at 11:13 a.m.

ASSEMBLY IN SESSION

At 11:35 a.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 373, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 117, 205, 368, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 302, 395; Senate Bill No. 284, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

VIVIAN FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 511, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Elections and Procedures, to which was referred Assembly Bill No. 99, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 5, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 186 and requests a conference, and appointed Senators Washington, Titus and Porter as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 128, 182, 267, 290, 416.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 66, 120.

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

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sandoval, Monaghan and Schneider as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 186.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 21.

Resolution read.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 353.

Amend the resolution, page 1, line 18, after "setting." by inserting: "The proposal must not operate to restrict or replace any services currently provided.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Resolution ordered reprinted, engrossed and to the Concurrent Committee on Elections and Procedures.

Senate Concurrent Resolution No. 11.

Assemblyman Perkins moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Carpenter:

Assembly Bill No. 571—An Act relating to children; revising the provisions governing the operation of certain regional facilities for children; making an appropriation for the initial support of the Northeastern Nevada Youth Facility; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 572—An Act making an appropriation to repay the short-term loan made to the White Pine County School District for operating expenses; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 573—An Act relating to child care services; creating the account for the support of child care services; making an appropriation; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 574—An Act making a supplemental appropriation to the division of child and family services of the department of human resources for certain unanticipated costs of detaining parolees in county facilities; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 128.

Assemblyman Perkins moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

Senate Bill No. 182.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 267.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 290.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 416.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 105, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 387, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 58.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 58:

YEAS—41.

NAYS—Bennett.

Assembly Bill No. 58 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 403.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 403:

YEAS—42.

NAYS—None.

Assembly Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 431.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 431:

YEAS—42.

NAYS—None.

Assembly Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 479.

Bill read third time.

Remarks by Assemblyman Brower.

Conflicts of interest declared by Assemblymen Chowning, Fettic and Price.

Roll call on Assembly Bill No. 479:

YEAS—42.

NAYS—None.

Assembly Bill No. 479 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 14.

Resolution read third time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 364.

Amend the resolution, page 2, by deleting lines 6 through 12 and inserting:

"[Sec:] *Sec.* 17. A Lieutenant Governor shall be elected at the same time and places and in the same manner as the Governor and his term of Office, and his eligibility, shall also be the same. [He shall be President of the Senate, but shall only have a casting vote therein.] If during a Vacancy of the office of".

Amend the resolution, page 2, by deleting lines 17 through 27.

Amend the title of the resolution, second and third lines, by deleting: "to require that the Governor and the Lieutenant Governor be affiliated with the same political party, to require that they be elected on the same ballot,".

Amend the summary of the resolution, first, second and third lines, by deleting: "to require Governor and Lieutenant Governor to be of same political party, to require that they be elected on same ballot,".

Assemblyman Giunchigliani moved the adoption of the amendment.
Remarks by Assemblyman Giunchigliani.
Amendment adopted.
Resolution ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 158.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Senate Bill No. 158:
YEAS—42.
NAYS—None.

Senate Bill No. 158 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 232.
Bill read third time.
Remarks by Assemblymen Segerblom and Ernaut.
Roll call on Senate Bill No. 232:
YEAS—40.
NAYS—Goldwater, Harrington—2.

Senate Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Senate Bill No. 23.
Bill read second time and ordered to third reading.

Senate Bill No. 280.
Bill read second time and ordered to third reading.

Senate Bill No. 285.
Bill read second time and ordered to third reading.

Senate Bill No. 289.
Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bills Nos. 3, 4, 66, 80, 120, 148, 258; Senate Concurrent Resolution No. 29.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Leo Connolly.

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Chet Christensen and Odessa Christensen.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Sean S. McGowen and Courtenay Swain McGowen.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Val Garner.

On request of Assemblyman Carpenter, the privilege of the floor of the Assembly Chamber for this day was extended to Virgil Getto.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Tom Collins.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Terri Bond, John Giomi, Harold Jacobsen, Ray Knight, Alan Glover, Manford Hardesty, Gene Evans, Louis Capurro, Jim Stone, Les Gray, Charles Ogee, Marvin Humphrey, Artie Valentine, Jerry Monaghan, Al Pasquale, George Orvin, Ian Ross, Patty Cafferata, E. C. Murphy, Earl Mayes, Ray Knisley, Carl Shelley, Danny Thompson, Lynn Lee, Hal Smith, James Bailey, Robert Barengo, Roger Bremner, Matthew Callister, Warren Hardy, Joseph Johnson, Leonard Nevin, Bart Schouweiler, Harry Swanson, Roy Torvinen and Albert Wittenberg.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to David Nicholas.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Myrna Williams.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to George Hawes.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Earl Mayes.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Kissam.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Dean Heller.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Louis Bergevin.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Bruce Bogaert.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Ford.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Gaylyn Spriggs, Bill Swackhamer, Keith Ashworth, Coe Swobe, Guild Gray, Phil Stout, Byron "Bill" and Nancy Bilyeu.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Frances Hawkins.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Jeffrey.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Joann Olcese and Miss Bridgette.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to John McCloskey.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Fairchild and Jerry Fairchild.

On request of Assemblyman Steel, the privilege of the floor of the Assembly Chamber for this day was extended to Helen Foley.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, May 9, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:08 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FOURTEENTH DAY

CARSON CITY (Tuesday), May 9, 1995

Assembly called to order at 11:15 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Teri Huckaby.

Heavenly Father: Thank You for another day to serve You, our communities and one another. As we move through this day, we will encounter decisions to be made; for this we ask Your wisdom. We will encounter people; for this we ask Your great compassion. We will encounter difficult tasks; for this we ask Your courage. May all we do today, in word or deed, honor You and those around us. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 5, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 69, 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 535, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 277, 282, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 176, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 329, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 91 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Anderson.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 8, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 34, 71, 230.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 313, 348.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 23.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 5.

Assemblyman Tripple moved the adoption of the resolution.

Remarks by Assemblyman Tripple.

Resolution adopted.

Senate Concurrent Resolution No. 23.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 575—An Act relating to guardianships; authorizing a court, upon the application of the guardian of a minor child, to issue any order which it determines to be in the best interests of the child, including orders concerning child support and visitation rights; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 576—An Act relating to insurance; requiring policies of motor vehicle insurance to set equal limits of coverage for the named insured and other persons occupying his vehicle; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Lambert (by request):

Assembly Bill No. 577—An Act relating to education; requiring certain educational personnel to complete a program for the detection and reporting of abuse or neglect of children as a condition for the issuance or renewal of a license or an endorsement; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblyman Harrington:

Assembly Bill No. 578—An Act relating to prostitution; repealing the provisions authorizing prostitution under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Harrington moved that the vote whereby Assembly Bill No. 578 was referred to the Committee on Judiciary be rescinded.

Motion carried.

Assemblyman Harrington moved that Assembly Bill No. 578 be referred to the Committee on Ways and Means.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Harrington:

Assembly Bill No. 579—An Act relating to property; making various changes concerning property that is exempt from execution; increasing the homestead exemption; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 580—An Act relating to water; providing for the certification of laboratories for analysis; and providing other matters properly relating thereto.

Assemblyman Monaghan moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 581—An Act relating to the department of business and industry; creating an account in the state general fund for special projects of the department; authorizing the creation within the department of an office of industrial development and planning and an office of business development; authorizing the use within the department of alternative means of dispute resolution under certain circumstances; transferring the office for hospital patients from the division of insurance to the consumer affairs division of the department; clarifying the authority of the director of the department; authorizing the establishment of a trust account for the deposit of certain money relating to bond programs administered by the director; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 582—An Act relating to the right of publicity; allowing a governmental agency to use, without obtaining consent, the name, likeness or other personal characteristic of a person for the purpose of promoting tourism or commemorating a historical figure or event in this state; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Harrington, Giunchigliani, Bache, Segerblom, Ohrenschall, Anderson, Dini, Evans, Buckley, Carpenter, Sandoval, Arberry, Freeman, Chowning, Manendo, Allard, Bennett, Close, Lambert, Price, Tripple, Spitler, de Braga, Hettrick, Marvel, Nolan, Fettic, Williams and Perkins:

Assembly Bill No. 583—An Act relating to insurance; excluding certain grounds for denying health insurance or similar benefits to an applicant or insured; protecting employees who change employment from waiting periods; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblymen Evans, Goldwater, Anderson, Monaghan, Freeman, Chowning, Perkins, Ohrenschall, Manendo, Carpenter, Marvel, Fettic, Segerblom, Steel, Tiffany, Krenzer, Neighbors, Dini, Sandoval, Tripple, Arberry, Bache, Williams, Brower, de Braga, Schneider and Spitler:

Assembly Bill No. 584—An Act relating to health care; creating an advisory subcommittee on health care planning to provide advice to the legislative committee on health care; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 313.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 348.

Assemblyman Ernaut moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 36.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 36:

YEAS—42.

NAYS—None.

Assembly Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 52.

Bill read third time.

Remarks by Assemblymen Neighbors and Ernaut.

Roll call on Assembly Bill No. 52:

YEAS—42.

NAYS—None.

Assembly Bill No. 52 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 105.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 370.

Amend section 1, page 1, by deleting lines 3 through 7 and inserting:

"*1. The state board shall, by regulation, require to be included in the existing course of study for American government at the secondary level, instruction relating to violent and other crimes.*

2. The instruction must be developed respectively by the board of trustees of each school district and may include information regarding those acts that constitute violent and other crimes in the State of Nevada, the maximum punishments established by law for the commission of such acts and the physiological and psychologi-".

Amend sec. 2, page 1, line 10, after "1995" by deleting the period and inserting: "and expires by limitation on July 1, 1999.".

Amend the title of the bill, first line, by deleting: "the state board of education" and inserting: "each school district".

Amend the summary of the bill to read as follows:

"Summary—Requires each school district to provide for instruction relating to violent and other crimes. (BDR 34-1144)".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblymen Nolan, Giunchigliani and Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 382.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 382:

YEAS—42.

NAYS—None.

Assembly Bill No. 382 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 436.

Bill read third time.

Remarks by Assemblymen Neighbors and Dini.

Assemblyman Neighbors moved that Assembly Bill No. 436 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 23.

Bill read third time.

Remarks by Assemblymen Segerblom, Buckley, Harrington, Close and Lambert.

Roll call on Senate Bill No. 23:

YEAS—16.

NAYS—Allard, Arberry, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, Evans, Fettic, Giunchigliani, Goldwater, Harrington, Humke, Manendo, Monaghan, Nolan, Ohrenschall, Perkins, Sandoval, Schneider, Spitler, Steel, Williams—26.

Senate Bill No. 23 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 280.

Bill read third time.

Remarks by Assemblyman Freeman.

Conflicts of interest declared by Assemblymen Harrington and Close.

Roll call on Senate Bill No. 280:

YEAS—41.

NAYS—None.

Not voting—Harrington.

Senate Bill No. 280 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 285.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Senate Bill No. 285:

YEAS—42.

NAYS—None.

Senate Bill No. 285 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 289.

Bill read third time.

Remarks by Assemblyman Tripple.

Roll call on Senate Bill No. 289:

YEAS—42.

NAYS—None.

Senate Bill No. 289 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 91.

Bill read third time.

The following amendment was proposed by Assemblymen Humke and Anderson:

Amendment No. 412.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 665.165 is hereby amended to read as follows:

665.165 1. Every state bank shall retain its business records for such periods as are or may be prescribed by or in accordance with the terms of this section.

2. Each state bank shall retain permanently the minute books of meetings of its stockholders and directors, its capital stock ledger and capital stock certificate ledger or stubs, its general ledger, its investment ledger, its copies of bank examination reports, and all records which the commissioner in accordance with this section requires to be retained permanently.

3. All other bank records must be retained for such periods as the commissioner may in accordance with this section prescribe.

4. The commissioner shall, from time to time, issue regulations classifying all records kept by state banks and prescribe the period for which records in each class must be retained. Such periods may be permanent or for a lesser term of years. The commissioner shall keep such regulations current and shall revise them at least once every 3 years. In issuing and revising such regulations, the commissioner shall consider:

(a) Actions at law and administrative proceedings in which the production of bank records might be necessary or desirable.

(b) State and federal statutes of limitation applicable to such actions or proceedings.

(c) The availability of information contained in bank records from other sources.

(d) Such other matters as the commissioner considers pertinent in order that his regulations will require banks to retain their records for as short a period as is commensurate with the interests of bank customers and shareholders and of the people of this state in having bank records available.

5. Any state bank may dispose of any record which has been retained for the period prescribed by or in accordance with the terms of this section for retention of records of its class, and shall thereafter be under no duty to produce such record in any action or proceeding.

6. Any state bank may cause any or all records required to be kept pursuant to this section to be reproduced by the microphotographic process [and any] , *optical disk imaging or any other equivalent technique designed to ensure an accurate reproduction of the original. Any* such reproduction has the same effect as the original. Upon completion of *such* a [microphotographic] duplication, the original of any record may be destroyed.

7. To the extent that they are not in contravention of any law of the United States, the provisions of this section apply to all banks doing business in this state.".

Amend the title of the bill, fourth line, after "condition;" by inserting: "revising the manner in which state banks are allowed to keep duplicate records;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins gave notice that on the next legislative day he would move to reconsider the vote whereby Senate Bill No. 23 was this day refused passage.

SECOND READING AND AMENDMENT

Assembly Bill No. 99.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 195.

Amend section 1, page 3, between lines 15 and 16, by inserting:

"7. This section does not constitute an application by the legislature of the State of Nevada for the calling of a federal Constitutional Convention within the meaning of Article V of the Constitution of the United States. This section does not authorize participation in such a Constitutional Convention by representatives of the State of Nevada. A person who attends the Conference of States as a member of the delegation from the State of Nevada pursuant to this section shall not participate in or allow himself to be counted as attending any federal Constitutional Convention within the meaning of Article V of the Constitution of the United States.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 302.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 437.

Amend section 1, pages 1 and 2, by deleting lines 2 through 23 on page 1 and lines 1 through 9 on page 2 and inserting:

"128.105 *The primary consideration in any proceeding to terminate parental rights must be whether the best interests of the child will be served by the termination.* An order of the court for termination of parental rights must be made in light of the considerations set forth in this section and NRS 128.106 [, 128.107 and 128.108, with the initial and primary consideration being whether the best interests of the child would be served by the termination, but requiring a finding that the] *to 128.109, inclusive, and based on evidence and include a finding that:*

1. The best interests of the child would be served by the termination of parental rights; and

2. *The* conduct of the parent or parents demonstrated at least one of the following:

[1.] *(a)* Abandonment of the child;

[2.] *(b)* Neglect of the child;

[3.] *(c)* Unfitness of the parent;

[4.] *(d)* Failure of parental adjustment;

[5.] *(e)* Risk of serious physical, mental or emotional injury to the child if he were returned to, or remains in, the home of his parent or parents;

[6.] *(f)* Only token efforts by the parent or parents:

[(a)] *(1)* To support or communicate with the child;

[(b)] *(2)* To prevent neglect of the child;

[(c)] *(3)* To avoid being an unfit parent; or

[(d)] *(4)* To eliminate the risk of serious physical, mental or emotional injury to the child; or

[7.] *(g)* With respect to termination of the parental rights of one parent, the abandonment by that parent.".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

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

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 373.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 388.

Amend sec. 3, page 2, by deleting line 12 and inserting: "*applied by a licensed provider of health care, within his scope of practice, for human*".

Amend sec. 3, page 2, by deleting line 46 and inserting: "*applied by a licensed provider of health care, within his scope of practice, for human use.*".

Amend sec. 4, page 3, line 12, by deleting "physician," and inserting: "provider of health care, within his scope of practice,".

Amend sec. 5, page 3, line 24, by deleting "physician," and inserting: "provider of health care, within his scope of practice,".

Amend sec. 9, page 4, by deleting line 3 and inserting: "*licensed provider of health care, within his scope of practice, for human use.*".

Amend sec. 9, page 4, by deleting line 34 and inserting: "*licensed provider of health care, within his scope of practice, for human use.*".

Amend the title of the bill, fourth line, by deleting "physician," and inserting: "provider of health care,".

Amend the summary of the bill, second line, by deleting "physician," and inserting: "provider of health care,".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Assemblyman Sandoval moved that Assembly Bill No. 373 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 376.

Amend section 1, page 2, by deleting lines 9 through 20 and inserting:

"*5. Except as otherwise provided in subsection 6 or NRS 125A.360, a determination by the court after an evidentiary hearing and finding by clear and convincing evidence that either parent or any other person seeking custody has engaged in one or more acts of domestic violence against the child, a parent of the child or any other person residing with the child creates a rebuttable presumption that sole or joint custody of the child by the perpetrator of the domestic violence is not in the best interest of the child. Upon making such a determination, the court shall set forth:*

(a) Findings of fact that support the determination that one or more acts of domestic violence occurred; and

(b) Findings that the custody or visitation arrangement ordered by the court adequately protects the child and the parent or other victim of domestic violence who resided with the child.

6. If after an evidentiary hearing held pursuant to subsection 5 the court determines that each party has engaged in acts of domestic violence, it shall then determine which person was the primary physical aggressor. In determining which party was the primary physical aggressor for the purposes of this section, the court shall consider:

(a) All prior acts of domestic violence involving either party;

(b) The relative severity of the injuries, if any, inflicted upon the persons involved in those prior acts of domestic violence;

(c) The likelihood of future injury;

(d) Whether, during the prior acts, one of the parties acted in self-defense; and

(e) Any other factors which the court deems relevant to the determination.

In such a case, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.

7. As used in this [paragraph,] *section,* "domestic violence" means the".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 511.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 405.

Amend sec. 3, page 2, line 9, by deleting "*parole,*" and inserting: "*parole or ordered pursuant to NRS 176.033,*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Senate Bill No. 117.
Bill read second time and ordered to third reading.

Senate Bill No. 205.
Bill read second time and ordered to third reading.

Senate Bill No. 284.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 411.
Amend section 1, page 1, by deleting line 5 and inserting: "*director, officer or employee in an action mentioned or*".
Assemblyman Anderson moved the adoption of the amendment.
Remarks by Assemblyman Anderson.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 368.
Bill read second time and ordered to third reading.

Senate Bill No. 387.
Bill read second time and ordered to third reading.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Speaker Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from George Whittell High School: Damon Apocotos, Daniel Bateman, Courtney Beach, Kirsten Beronio, Patrick Case, Scott Cummings, Christopher Fagan, Dirk Folstad, Jonathan Fore, Craig Forsberg, Dylan Gibbs, Nick Green, Katie Heeran, Kevin Kloepfer, Alexandra Koc, Kristina Lowe, Chris Lucier, Amy Lusby, Damien Marken, Ryan Martin, Sara Maselli, Crystal McCall, Brian Moore, Melanie Norman, Heather Patterson, Michael Pereira, Sarah Poppenga, Joshua Ralls, Erin Sharp, Chelsea Shemick, Daniel Smith, Laura Spear, Joe Susich, Katy Tanner, Shaun Thomas, Jody Vereschagin, Garrett Watson, Jennifer Wilber and Deirdre Zanetti; teacher Howard Bennett; chaperone Janice O'Connor.

Assemblyman Ernaut moved that the Assembly adjourn until Wednesday, May 10, 1995 at 11 a.m.
Motion carried.

Assembly adjourned at 12:21 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTEENTH DAY

CARSON CITY (Wednesday), May 10, 1995

Assembly called to order at 11:03 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bill Earnhardt.

Gracious Heavenly Father: We come before You today to ask that You would be with each of these men and women of the Assembly. That You would give them the wisdom and knowledge that is required to fulfill the job they have been entrusted with by the people of Nevada and may it be for the betterment of all. We thank You for these and the sacrifices they make to be here. We ask You be with their families while their loved ones are away. We ask this in the Name of His Blessed Son, Jesus. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 135, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 47, 204, 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 585—An Act relating to older persons; revising the circumstances under which a report of the suspected abuse, neglect or exploitation of an older person must be made; revising the definition of exploitation; expanding the list of persons and agencies to which such reports may be disclosed; permitting the attendance of a person to support a

prosecuting witness at the preliminary hearing and trial in a case involving the abuse, neglect or exploitation of an older person; authorizing the welfare division of the department of human resources and a county's office for protective services to petition for the removal of a guardian of an older person or for the modification or termination of that guardianship under certain circumstances; revising certain penalties related to the abuse, neglect or exploitation of older persons; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 586—An Act relating to the committee on benefits; increasing the number of members of the committee; requiring that certain members of the committee be appointed by the governor from lists of nominees submitted by certain organizations; providing that public employees while serving as members of the committee do not lose accrued leave for the time spent away from their employment; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 587—An Act relating to industrial insurance; authorizing the attorney general to use a portion of the fines, fees and assessments he recovers to pay the costs of operating the fraud control unit; prohibiting a provider of health care who is convicted of certain fraudulent practices from accepting payment for accident benefits provided to injured employees; prohibiting an employer from knowingly employing a person who is receiving benefits for a temporary total disability in an unlawful manner; requiring the suspension of the payment of benefits to an employee alleged to have made false statements or representations to obtain benefits; making it unlawful to misrepresent knowingly the classification or duties of an employee; clarifying that the attorney general may use health care records in civil or criminal actions; expanding the right of certain persons to receive copies of such records; requiring providers and employers to make certain records located outside this state available upon request; providing penalties; and providing other matters properly relating thereto.

Assemblyman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 588—An Act relating to taxation; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to reduce the rate of the sales and use taxes; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 589—An Act relating to the tax on special fuel; requiring the allocation of a certain portion of the tax levied on special fuel to the counties in which the payments of the tax originate; requiring that the money allocated be used only for the construction and maintenance of public highways; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 590—An Act relating to taxation; reducing the rate of the excise tax on motor vehicle fuel; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Carpenter:

Assembly Bill No. 591—An Act relating to hazardous materials; providing in skeleton form for voluntary examination and disclosure, resulting privileges and presumption and exceptions; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 411, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bill No. 134; Assembly Joint Resolution No. 29, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 419, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Chowning moved that Assembly Bill No. 419 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Neighbors moved that Assembly Bill No. 436 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Neighbors.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 69.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 425.

Amend section 1, page 1, line 6, by deleting "*the total*" and inserting "*an equal*".

Assemblyman Stroth moved the adoption of the amendment.

Remarks by Assemblyman Stroth.

Amendment adopted.

Assemblyman Stroth moved that Assembly Bill No. 69 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 424.

Amend section 1, page 1, line 2, by deleting: "without an examination".

Amend section 1, page 1, line 6, by deleting "continuously".

Amend section 1, page 1, line 12, by deleting "1995." and inserting: "1995, and passes an examination given by the board on or before July 1, 1997.".

Amend the title of the bill, second line, by deleting "without examination" and inserting: "under certain circumstances".

Amend the summary of the bill, first line, by deleting "without examination" and inserting: "under certain circumstances".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 423.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 445.

Amend sec. 7, page 3, by deleting lines 37 through 41 and inserting:

"Sec. 7. This act becomes effective on July 1, 1997.".
Assemblyman Stroth moved the adoption of the amendment.
Remarks by Assemblyman Stroth.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 535.
Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 176.
Bill read second time and ordered to third reading.

Senate Bill No. 277.
Bill read second time and ordered to third reading.

Senate Bill No. 282.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 14.
Resolution read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Assembly Joint Resolution No. 14:

YEAS—31.
NAYS—Allard, Batten, Bennett, Braunlin, Brower, Carpenter, Evans, Nolan, Schneider, Steel, Stroth—11.

Assembly Joint Resolution No. 14 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Senate Bill No. 117.
Bill read third time.
Remarks by Assemblyman Spitler.
Conflicts of interest declared by Assemblymen Evans, Humke and Price.
Roll call on Senate Bill No. 117:

YEAS—42.
NAYS—None.

Senate Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 205.
Bill read third time.
Remarks by Assemblymen Close, Giunchigliani, Freeman, Price, Anderson and Spitler.
Conflicts of interest declared by Assemblymen Evans, Humke and Price.
Roll call on Senate Bill No. 205:

YEAS—41.
NAYS—Giunchigliani.

Senate Bill No. 205 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 368.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 368:

YEAS—42.

NAYS—None.

Senate Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 387.

Bill read third time.

Remarks by Assemblymen Evans, Ernaut and Giunchigliani.

Roll call on Senate Bill No. 387:

YEAS—39.

NAYS—Carpenter, Ernaut, Humke—3.

Senate Bill No. 387 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 436.

Bill read third time.

Remarks by Assemblymen Neighbors and Close.

Roll call on Assembly Bill No. 436:

YEAS—42.

NAYS—None.

Assembly Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 65, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

VONNE CHOWNING	JOSEPH M. NEAL, JR.
DENNIS NOLAN	O. C. LEE
GENIE OHRENSCHALL	LAWRENCE E. JACOBSEN
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Chowning moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 65.

Remarks by Assemblyman Chowning.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

In compliance with a notice given on a previous day, Assemblyman Perkins moved that the vote whereby Senate Bill No. 23 was refused passage be reconsidered.

Remarks by Assemblymen Perkins, Segerblom, Tiffany and Ernaut.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted, as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 32—Amending the Joint Rules of the Senate and Assembly to require that a standing committee may hear and consider only information made available to the public.

Assemblyman Giunchigliani moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 23.

Bill read third time.

Remarks by Assemblymen Segerblom, Bennett, Schneider, Ernaut, Tiffany and Goldwater.

Assemblymen Perkins, Ernaut and Marvel moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 23.

Roll call on Senate Bill No. 23:

YEAS—28.

NAYS—Batten, Bennett, Braunlin, Brower, Buckley, Chowning, Close, Evans, Giunchigliani, Harrington, Lambert, Nolan, Sandoval, Spitler—14.

Senate Bill No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 21.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblyman Freeman.

Resolution adopted.

Assembly Concurrent Resolution No. 22.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblymen Freeman and Carpenter.

Conflicts of interest declared by Assemblymen Harrington, Braunlin, Goldwater, Tiffany and Krenzer.

Resolution adopted.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 34, 71, 230.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Winifred Warburton, Joe Warburton, Olive Schofield, Warren Schofield, Mary Lanser, Winifred Ivey, Helen Lamkin, Larry Lamkin, Florence Bucknam, Jackie Ward, Cleo Kennedy, Marie McNearney, Helen Hedlund, Valaree Newcomb, Shirley Fielding, Mildred Matheus, Eunice Burnet, Pat Gable and the following students from Yerington Elementary School: Heidi Aiazzi, Scott Brower, Daimion Brown, Nicholas Collins, Holly Fawcett, David Hall, Steven Hernandez, Caro Hildalgo, Kira Klutchkowski, Mark Lemos, Lupe Madera, Candance Porter, Cameron Smart, Jessica Smith, Tyler Smith, Douglas Ward, Sarah Watts, Amber Wilkison, Johnny Willman, Michael Bassett, Jessica Bazar, Kacy Best, Cody Collins, Lena Conway, Katie Draper, Javier Esparza, Mayra Hernandez, Kennie Keats, Sammie Lacey, Adam Ledbetter, Alicia Marriott, Carolyn Mollart, Jennifer Parsons, Crystal Reynoso, Jay Sciarani, Jake Sherlock, Rusty Oppenhein, Larry Summerville, Sabra Tibbals, Lucas Wadsworth, Tony Zarazua, John Little, Jessica Blossom, Jean-Pierre Chounet, Danny Czepiel, Brenton Espinoza, Eduardo Garcia, Justyne Hardwick, Ginny Hatch, Becky Hunter, Harris Jones, Kathie Keats, Gilbert Landis, Robyn Marriott, Michael Mitchell, Kyle Myers, Nichole Perez, Anabel Rodriguez, Robie Rosaschi, Ivan Salcido, Stephen Tognoli, Devin Valentine, Respicio Zara Zua, Thomas Fisk, Lacy Barcellos, Humberto Corona, John Fernandez, Kyle Frade, Mallory Fraser, Kevin Kerwin, Jeremy Kleve, Katie Kubis, Holly Marion, Megan Marriott, Adrienne Matheson, Katrina Matheus, Neil McFarland, Tommy Menesini, Kevin O'Keefe, Linda Peabbles, Sherie Pefley, Jessica Perez, Nikki Reyes, Javler Saldana, Jordan Sam, Travis Talbott, Zachary Thompson, Diana Vargas, Jessie Venegas, Debbie Ballenger, Corkey Bourge, Nathan Conway, Joseph Cordova, Deysi Covaroubias, Joe Cowee, Lynn Couger, Natasha Crawford, Desirre De Witt, Curtis Gorsuch, Benancio Guzman, Lili Hatch,

Denaye Johnson, Sam Johnson, Jeremy Praay, Gabriel Reyes, Eddie Rincon, Rachel Roach, Nancy Williams, Daniel Savage and Elvia Torres; teachers Mrs. Aiazzi, Mrs. Davis, Ms. Fadness, Mr. Carrigan and Mr. Raybourn.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Berrum, Kenneth Bunker, Chuen Chan, Cathy Chapman, Christopher Coley, Michael Davis, Mary Falls, Marna Griffin, Sarah Griffin, Shirley Haas, George Hatjakes, Ian Hill, Gail Humes, Judy Humphrey, Tamara Lieberman, Roger Lindeken, M. Celeste Luce, Hawley Maclean, Deanna Means, Paula Meyer, Marianne Powers, Julia Ratti, Deedee Remaklus, Catherine Sankovich, Mark Savage, Bill Singer, Thomas Stamos, Leanne Stone, Kevin Sullivan, Bob Tepedino, Joyce Trombley, Kim Tulman, Lafawn Vannest, Julie Watson, Laura Williams, Patty Evans, Terry Herman, Marty Levasseur and Susan Womack.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Gail Humes and Kevin Sullivan.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, May 11, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:13 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTEENTH DAY

CARSON CITY (Thursday), May 11, 1995

Assembly called to order at 11:03 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Arberry, who was excused.

Prayer by the Chaplain, Ed Irvin.

Almighty and Gracious God: We stand before Thee in the swift-moving transition shapes of time. Give us a sense of the Eternal. We come before Thee with a bag full of needs. Grant unto us a sense of what is important. And we stand as pilgrims on a pointed journey. Let us hear once more, "This is the way; walk ye in it." So, we seek Thy blessing on our deliberations that we might affirm what is good, true and Holy. We ask this in the Name of the Master. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 182, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 545, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Commerce.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bill No. 346; Assembly Joint Resolutions Nos. 26 of the 67th Session, 35 of the 67th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 500, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 10, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 285, 294, 426.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 297, 394.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 36, 178, 355, 413.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 87.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 65.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Batten, Williams and Arberry:

Assembly Resolution No. 9—Expressing commitment to and support for the ideals and concepts of properly designed affirmative action programs.

Assemblyman Batten moved that Assembly Resolution No. 9 be made a Special Order of Business for Thursday, May 18, 1995, at 11:30 a.m. for the purpose of considering the resolution in Committee of the Whole.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:08 a.m.

ASSEMBLY IN SESSION

At 11:21 a.m.

Mr. Speaker presiding.

Quorum present.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA TIFFANY, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Commerce:

Assembly Bill No. 592—An Act relating to money deposited by an employer to pay the medical expenses of an employee; providing for the administration of such accounts and their disposition upon the death of the employee or termination of the employment; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 593—An Act relating to medical emergencies; requiring insurers and others similarly situated to pay for care and services necessitated by a medical emergency; providing standards for communication to authorize subsequent treatment; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 594—An Act relating to alcoholic beverages; prohibiting a person from holding a brewer's license and a brew pub's license at the same time; prohibiting a person from operating a brew pub without a brew pub's license; prohibiting a supplier from requiring a wholesaler to increase payment to the supplier for a product of the supplier after that product is delivered to the wholesaler; requiring a supplier to notify a wholesaler before he terminates or refuses to continue any franchise with a wholesaler or causes a wholesaler to resign from any franchise; revising the requirements relating to the location of brew pubs; revising the provisions limiting the number of barrels of malt beverages the operator of one or more brew pubs may manufacture in a calendar year; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 595—An Act relating to domestic relations; revising the provisions governing the awarding of custody or guardianship of a child to a person other than a parent; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 596—An Act relating to insurance; prohibiting in policies of group health insurance provisions which reduce the liability of insurers and health maintenance organizations because of medical payments under liability insurance on motor vehicles; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 597—An Act relating to the construction of buildings; authorizing certain cities and counties to allow the use of independent contractors to review the plans for and inspect buildings; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 36.

Assemblyman Ernaut moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 178.

Assemblyman Ernaut moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 297.

Assemblyman Ernaut moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 355.

Assemblyman Ernaut moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 394.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 413.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Marvel moved that Assembly Bill No. 423 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Marvel moved that Assembly Bill No. 545 be re-referred to the Committee on Commerce.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 341 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Williams moved that the Assembly do not recede from its action on Senate Bill No. 87, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Williams.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Chowning, Batten and Segerblom as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 87.

SECOND READING AND AMENDMENT

Assembly Bill No. 47.

Bill read second time.

The following amendment was proposed by Assemblyman Giunchigliani:

Amendment No. 234.

Amend section 1, page 1, line 2, by deleting "and 3" and inserting: "to 3.6, inclusive,".

Amend the bill as a whole by adding new sections designated sections 3.3 and 3.6, following sec. 3, to read as follows:

"Sec. 3.3. *1. "School project" means:*

(a) A facility used for the instruction and education of pupils in kindergarten through twelfth grade.

(b) The real property on which the facility is located.

2. The term does not include:

(a) The central administrative office of the county school district where the school project is located;

(b) Any equipment, supplies or incidentals which are necessary to operate the facility; or

(c) A facility used to store any equipment, supplies or incidentals which are necessary to operate the facility.

Sec. 3.6. *Upon request of the board of trustees of a county school district, the board of county commissioners shall impose, for a school project designated by the board of trustees, impact fees pursuant to this chapter on behalf of the county school district.*".

Amend sec. 4, page 2, line 3, by deleting "*and 3*" and inserting: "*to 3.6, inclusive,*".

Amend sec. 5, page 2, between lines 10 and 11, by inserting:

"*5. School project;*".

Amend sec. 5, page 2, line 11, by deleting "*5.*" and inserting "*6.*".

Amend sec. 5, page 2, line 12, by deleting "*6.*" and inserting "*7.*".

Amend sec. 5, page 2, line 13, by deleting "*7.*" and inserting "*8.*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani and Lambert.

Amendment lost.

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

Amendment No. 197.

Amend sec. 7, page 2, line 41, by deleting the brackets.

Amend sec. 7, page 2, line 45, by deleting "[(a)] *1.*" and inserting "(a)".

Amend sec. 7, page 2, line 46, by deleting "[(b)] *2.*" and inserting "(b)".

Amend sec. 7, page 2, line 47, by deleting "[(c)] *3.*" and inserting "(c)".

Amend sec. 7, page 3, line 1, by deleting "[(d)] *4.*" and inserting "(d)".

Amend sec. 7, page 3, line 4, by deleting the bracket.

Amend sec. 7, page 3, line 5, by inserting an open bracket before "Any".

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

"Sec. 10. NRS 278B.240 is hereby amended to read as follows:

278B.240 *1.* If an owner is required by a local government, as a condition of the approval of the development, to construct or dedicate, or both, a portion of the off-site facilities for which impact fees are imposed, the off-site facilities must be credited against those impact fees.

2. If a school district is required by a local government to construct or dedicate, or both, a portion of the off-site facilities for which impact fees are imposed, the local government shall, upon the request of the school district, reimburse or enter into an agreement to reimburse the school district for the cost of the off-site facilities constructed or dedicated, or both, minus the cost of the off-site facilities immediately adjacent to or providing connection to the school development which would be required by local ordinance in the absence of an ordinance authorizing impact fees.".

Amend the title of the bill by deleting the third and fourth lines and inserting: "concerning the capital improvement plans of local governments; revising the provisions relating to the exemption of a school district from the payment of impact fees; providing for the reimbursement of school districts for the construction of certain off-site facilities; and providing other".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 135.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 335.

Amend section 1, page 1, line 2, by deleting "5," and inserting "7,".

Amend sec. 3, page 2, by deleting line 19.

Amend sec. 5, page 2, by deleting line 42 and inserting:

"Sec. 5. *The three commissioners from the State of Nevada:*

1. Shall by regulation require, as a condition of the receipt of financial support pursuant to section 2 of this act, the student to submit to the director of the Western Interstate Commission for Higher Education a prepaid policy

of term life insurance which lists the Western Interstate Commission for Higher Education as a named beneficiary to the extent of any obligation which remains unpaid at the time of the student's death.

2. May, by regula-".

Amend sec. 6, pages 2 and 3, by deleting line 47 on page 2 and lines 1 through 27 on page 3 and inserting:

"Sec. 6. *The Western Interstate Commission for Higher Education may apply for and accept grants. Upon receipt of sufficient grants, the Commission may enter into binding agreements to purchase additional contract places for Nevada residents in graduate or professional schools within the region. The provisions of NRS 397.060 apply to the selection and certification of students to fill any contract place purchased pursuant to this section. The provisions of sections 2, 3 and 4 of this act do not apply to financial support provided to a student pursuant to this section. The terms and conditions of repayment, if any, must be set forth fully in a contract between the student and the grantor.*".

Amend the bill as a whole by renumbering sections 7 through 12 as sections 8 through 13 and adding a new section designated sec. 7, following sec. 6, to read as follows:

"Sec. 7. *The provisions of sections 2, 3 and 4 of this act to the contrary notwithstanding, the Western Interstate Commission for Higher Education may adopt regulations which require as a condition of placement of a student in an educational program for physicians' assistants and receipt of the related financial support that the student submit to the director of the Western Interstate Commission for Higher Education:*

1. A written statement from a licensed provider of health care who practices his profession in a rural area of this state that he agrees to employ the student for the term necessary to fulfill the requirements of section 4 of this act upon the completion of the student's education, examination and licensure.

2. A written statement from the student that in lieu of repayment of all state contributions for the stipend he received he will practice his profession in a rural area of this state in accordance with the schedule set forth in subsection 1 of section 4 of this act.".

Amend sec. 7, page 4, by deleting line 11.

Amend sec. 8, page 4, by deleting lines 45 and 46 and inserting: "person practiced his profession as required.]".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 204.

Bill read second time.

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

Amendment No. 341.

Amend section 1, page 1, by deleting lines 14 through 19 and inserting: "*first commissioner appointed after the creation of the authority must be a current recipient of assistance from the authority who was selected from a list of at least five eligible nominees submitted for this purpose by an organization which represents tenants of housing projects. Thereafter, at least one commissioner must be such a recipient who was nominated and appointed in the same manner.*

3. *Nothing in this section affects the terms of office of commissioners appointed to an authority created before October 1, 1995. The appointing authority shall appoint to the term next expiring a commissioner who was nominated and appointed in the same manner as is set forth in subsection 2. Thereafter, at least one commissioner must be such a recipient who was nominated and appointed in the same manner.*

4. All vacancies [shall] *must* be filled for the unexpired term.".

Amend sec. 3, page 2, by deleting lines 31 through 33 and inserting:

"*(c) One commissioner who is a current recipient of assistance from the authority and was selected from a list of at least five eligible nominees submitted for this purpose by an organization which represents tenants of housing projects operated by the authority.*".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. As terms of members of the Nevada rural housing authority expire on or after October 1, 1995, the governor shall appoint members having the qualifications required by NRS 315.977 to the extent that other members of the Nevada rural housing authority do not already possess those qualifications.".

Amend the title of the bill, first line, by deleting: "be a tenant of a project" and inserting: "represent tenants of the projects".

Amend the summary of the bill, first line, by deleting "tenant" and inserting: "representative of tenants".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 411.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 420.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 13, following the enacting clause, to read as follows:

"Section 1. Chapter 394 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *1. The account for student indemnification is hereby created in the state general fund. The existence of the account does not create a right in*

any person to receive money from the account. The administrator shall administer the account in accordance with regulations adopted by the commission.

2. Except as otherwise limited by subsection 3, the money in the account may be used to indemnify any student or enrollee who has suffered damage as a result of:

(a) The discontinuance of operation of a postsecondary educational institution licensed in this state; or

(b) The violation by such an institution of any provision of NRS 394.383 to 394.560, inclusive, and sections 2, 3 and 4 of this act, or the regulations adopted pursuant thereto.

3. If a student or enrollee is entitled to indemnification from a surety bond pursuant to NRS 394.480, the bond must be used to indemnify the student or enrollee before any money in the account may be used for indemnification.

4. In addition to the expenditures made for indemnification pursuant to subsection 2, the administrator may use the money in the account to pay extraordinary expenses incurred to investigate claims for indemnification or resulting from the discontinuance of the operation of a postsecondary educational institution licensed in this state. Money expended pursuant to this subsection must not exceed, for each institution for which indemnification is made, 15 percent of the total amount expended for indemnification pursuant to subsection 2 or $10,000, whichever is less.

5. No expenditure may be made from the account if the expenditure would cause the balance in the account to fall below $10,000.

6. Interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.

7. The money in the account does not lapse to the state general fund at the end of any fiscal year.

Sec. 3. *1. Except as otherwise provided in subsection 2, each postsecondary educational institution licensed in this state shall pay to the administrator a fee of $5 for each student the institution initially enrolls in a program for which the student pays a tuition or registration fee. On or before January 1, April 1, July 1 and October 1 of each year, each institution shall transmit to the administrator the fees required by this subsection for the immediately preceding quarter. The administrator shall deposit the money in the state treasury for credit to the account for student indemnification.*

2. The administrator shall notify each postsecondary educational institution licensed in this state if the balance in the account is $250,000 or more. If the balance in the account is $250,000 or more, a postsecondary educational institution is not required to pay the fee required by subsection 1. If the balance in the account subsequently falls below $250,000, the administrator shall notify each postsecondary educational institution licensed in this state that the fee must be paid until the balance in the account is $250,000 or more.

Sec. 4. *Each accredited postsecondary educational institution shall:*

1. Use the policy for cancellations or refunds that is published by the accrediting body by which the institution is accredited or by the United States Department of Education.

2. Refund to a student all the money he has paid if the institution substantially fails to furnish the instruction or services agreed upon in the enrollment agreement.

Sec. 5. NRS 394.411 is hereby amended to read as follows:

394.411 1. The commission shall adopt regulations governing the administration of NRS 394.383 to 394.560, inclusive, *and sections 2, 3 and 4 of this act,* and may adopt such other regulations as are proper or necessary for the execution of the powers and duties conferred upon it by law.

2. The administrator shall execute, direct or supervise all administrative, technical and procedural activities for which he is responsible in accordance with the policies and regulations of the commission and subject to the commission's direction and control.

Sec. 6. NRS 394.441 is hereby amended to read as follows:

394.441 A postsecondary educational institution shall:

1. Provide students and other interested persons with a catalog or brochure containing information describing the programs offered, objectives of the program, length of the program, schedule of tuition, fees and all other charges and expenses necessary for completion of the course of study, policies concerning cancellations and refunds, *an explanation of the account for student indemnification* and other material facts concerning the institution and the program or course of instruction that are likely to affect the decision of the student to enroll therein, together with any other disclosures specified by the administrator or defined in the regulations of the commission. The information must be provided before enrollment.

2. Provide each student who satisfactorily completes the training with appropriate educational credentials indicating:

(a) That the course of instruction or study has been satisfactorily completed by the student; and

(b) If the training does not lead to a degree, the number of hours of instruction or credits required of the student to complete the training.

3. Unless otherwise authorized by the commission, maintain adequate records at the licensed facility to reflect the attendance, progress and performance of each student at the facility.

4. Provide each student with a copy of the agreement to enroll, dated and signed by the student or his guardian and an officer of the institution.

5. For each program offered at the institution that does not lead to a degree, collect and maintain information concerning:

(a) The number of students enrolled in the program and the number and names of students who have obtained employment in related fields, with their locations of placement;

(b) The number of:

(1) Students enrolled in the program;

(2) Students who have graduated from the program; and

(3) Graduates who have obtained employment in fields related to the instruction offered in the program, with the average compensation of such graduates; or

(c) For each such program offered to prepare students for a licensing examination:

(1) The number of students enrolled in the program;

(2) The number of such students who have graduated from the program; and

(3) The number of such graduates who have passed the examination.

6. Select, from the information collected pursuant to subsection 5, the information relating to any 6-month period within the 18-month period preceding its next date for enrollment. The information for the period selected must be set forth in written form and posted conspicuously at the institution.

Sec. 7. NRS 394.449 is hereby amended to read as follows:

394.449 1. [Except as otherwise provided in subsection 2, a] *A* post-secondary educational institution that is not accredited [must] *shall* have a policy for cancellations and refunds which [, unless it is more lenient,] at least provides:

(a) That if the [school] *institution* has substantially failed to furnish the instruction or services agreed upon in the enrollment agreement, the *institution shall refund to a* student [must be refunded] all the money he has paid.

(b) That if a student [withdraws,] cancels his enrollment [or is expelled by the school, the school] *before the start of instruction, the institution* may charge the student [:

(1) Before the start of instruction,] a registration fee of not more than 10 percent of the tuition [.

(2) After the start of instruction and before completion of 25 percent of the time or credits in the program, a registration fee of not more than 10 percent of the tuition, plus not more than 50 percent of the remaining cost of the program established in the agreement to enroll.

(3) Upon or after the completion of 25 percent of the program, the entire cost of the program established in the agreement to enroll.

(c) If a notice of withdrawal by the student is by certified letter or personal delivery, the date of withdrawal is the date of the postmark or delivery. In any other case, the date of withdrawal is the last date of attendance. If the school expels the student, the school must] *agreed upon in the enrollment agreement or $100, whichever is less.*

(c) That if a student withdraws or is expelled by the institution after the start of instruction and before the completion of more than 40 percent of the program, the institution may charge the student:

(1) A registration fee of not more than 10 percent of the tuition agreed upon in the enrollment agreement or $100, whichever is less;

(2) A termination fee of 25 percent of the tuition agreed upon in the enrollment agreement or $100, whichever is less; and

(3) A pro rata amount of the tuition agreed upon in the enrollment agreement determined by the percentage of the student's attendance.

(d) That if a student withdraws or is expelled by the institution after completion of more than 40 percent of the program, the institution may charge the student the entire cost of the tuition agreed upon in the enrollment agreement.

2. Each postsecondary educational institution that is not accredited shall include in its catalog or brochure a description of the institution's policy for refunds. The description must include at least the following:

(a) For the purpose of calculating the amount of a refund, the unit of time or other measurement which is used by the institution to determine the percentage of a student's attendance;

(b) A statement that the period of a student's attendance will be measured from the first day of instruction through the student's last day of actual attendance; and

(c) An example demonstrating the application of the refund policy.

3. If an institution that is not accredited expels a student, the institution shall communicate with the student by certified mail or another equally effective and documented method, and inform him of the expulsion, the reason for it and the effective date of expulsion and retain evidence to that effect in its records.

[(d) All]

4. An institution shall refund all money collected in excess of the amounts allowed in [this subsection must be refunded to the student or his lending agency] *subsection 1* within 60 working days after [withdrawal or expulsion.

2. A postsecondary educational institution that is not accredited and that offers any program of 300 or more hours of instruction, 18 or more quarter hours or 12 or more semester hours must have a policy for cancellations and refunds for students enrolled in the program that, unless it is more lenient, at least complies with the requirements of paragraphs (a), (c) and (d) of subsection 1 and, in addition, at least provides that if a student withdraws, cancels his enrollment or is expelled by the school, the school may charge the student:

(a) Before the start of instruction, a registration fee of not more than $100.

(b) After the start of instruction and:

(1) Before the completion of 5 percent of the time or credits in the program, a registration fee of not more than $100, plus not more than 10 percent of the remaining cost of the program established in the agreement to enroll;

(2) Before the completion of 10 percent of the time or credits in the program, a registration fee of not more than $100, plus not more than 25 percent of the remaining cost of the program established in the agreement to enroll;

(3) Before the completion of 25 percent of the time or credits in the program, a registration fee of not more than $100, plus not more than 50 percent of the remaining cost of the program established in the agreement to enroll; or

(4) Upon or after the completion of 25 percent of the time or credits in the program, the entire cost of the program established in the agreement to enroll.

3.] *the:*

(a) Date of cancellation by a student of his enrollment;

(b) First day of class if a student fails to attend the first day and all other classes;

(c) Last day of an authorized leave of absence if a student fails to return after the period of authorized absence; or

(d) Last day of attendance of a student,

whichever is applicable.

5. Specific financial arrangements between the institution and the student about such educational items as the use or purchase of books and equipment for individual use are not included in the policy for refund. Disputes [will] *must* be resolved by the administrator on a case-by-case basis.

[4. An accredited institution may use the policy for cancellations or refunds published by the body by which it was accredited, if the policy is determined by the administrator to be reasonably comparable to that required by this section and the regulations of the commission.]

Sec. 8. NRS 394.480 is hereby amended to read as follows:

394.480 1. [Any] *Each* postsecondary educational institution *initially licensed on or after July 1, 1995, and each postsecondary educational institution* or other entity [employing] *not licensed in this state which is authorized to employ* one or more agents *in this state,* shall file with the administrator a surety bond in the amount of $10,000. [Any other post-secondary educational institution shall file a bond in the amount of $5,000.] The bond must be executed by the institution or other entity as principal and by a surety company as surety. The bond must be payable to the State of Nevada and [, except as otherwise provided in subsection 5,] must be conditioned to provide indemnification to any student, enrollee or his parent or guardian, determined by [a final judgment] *the commission* to have suffered damage as a result of any act by the postsecondary educational institution that is a violation of NRS 394.383 to 394.560, inclusive [. Except as otherwise provided in subsection 5, the] *, and sections 2, 3 and 4 of this act. The* bonding company shall provide indemnification upon receipt of written notice of [such judgment.] *the determination by the commission.* The bond may be continuous, but regardless of the duration of the bond the aggregate liability of the surety does not exceed the penal sum of the bond.

2. [The] *Except when a surety is released, the* surety bond must cover the period of the *initial* license to operate *, including any provisional period,* or the agent's permit, as appropriate . [, except when a surety is released.]

3. A surety on any bond filed pursuant to this section may be released after the surety gives 30 days' written notice to the administrator, but the release does not discharge or otherwise affect any claim filed by a student, enrollee or his parent or guardian for damage resulting from any act of the

postsecondary *educational* institution or agent alleged to have occurred while the bond was in effect, nor for an institution's ceasing operations during the term for which tuition had been paid while the bond was in force.

4. A license or an agent's permit is suspended by operation of law when the institution or agent is no longer covered by a surety bond as required by this section . [; but the] *The* administrator shall give the institution or agent, or both, at least [30] *20* days' written notice before the release of the surety, to the effect that the license or permit will be suspended by operation of law until another surety bond is filed in the same manner and amount as the bond being terminated.

5. If any student is entitled to a refund from an institution pursuant to any provision of NRS 394.383 to 394.560, inclusive, *and sections 2, 3 and 4 of this act,* the surety [is required to] *shall* provide indemnification . [only if and to the extent that the assets of the institution are insufficient, upon liquidation, to satisfy the claim.]

Sec. 9. NRS 394.510 is hereby amended to read as follows:

394.510 1. The commission may impose an administrative fine of not more than $10,000 against a licensee, revoke a license, or make a license conditional after its issuance, if the commission reasonably believes that the holder has violated the provisions of NRS 394.383 to 394.560, inclusive, *and sections 2, 3 and 4 of this act,* or regulations adopted pursuant to those sections, or has failed to comply with a lawful order of the commission. The administrator shall notify the institution of the reasons for the action by certified mail to its last known address, 20 days before the meeting of the commission at which the action will be considered.

2. If the commission revokes a license, the institution shall cease its operations and granting degrees and shall refund to each enrolled student the cost of his current course or program.

3. The administrator may impose an administrative fine of not more than $10,000 against an institution or agent, revoke an agent's permit, or make a permit conditional after its issuance, if he reasonably believes that the holder has violated the provisions of NRS 394.383 to 394.560, inclusive, or regulations adopted pursuant thereto. Before action is taken, the administrator shall notify the holder by certified mail of facts or conduct that warrant the impending action and advise the holder that if a hearing is desired it must be requested within 10 days after receipt of the notice letter. If no hearing is requested within the prescribed period the action becomes final.

4. If an agent is fined or his permit is revoked or conditions imposed, the administrator shall notify, by certified mail, the institution the agent represented in addition to the agent and any other parties to any hearing.

Sec. 10. NRS 394.520 is hereby amended to read as follows:

394.520 1. Until 1 year after the last date of attendance or date on which the damage occurred, whichever is later, a person claiming damage as a result of any act by a postsecondary educational institution or its agent, or both, that is a violation of NRS 394.383 to 394.560, inclusive, *and sections 2, 3 and 4 of this act,* or regulations [promulgated] *adopted* pursuant thereto, may file with the administrator a verified complaint against the

institution, its agent, or both. The complaint must set forth the alleged violation and contain other information as required by regulations of the commission. A complaint may also be filed by a commissioner or the attorney general or initiated by the administrator.

2. The administrator shall investigate any verified complaint and may, at his discretion, attempt to effectuate a settlement by arbitration, mediation or negotiation. The administrator may also consult with the applicable accrediting body to resolve the complaint. If a settlement cannot be reached, the administrator shall render a decision and notify each party of the decision and the reasons for it by certified mail to his last known address. Either party may request a hearing before the commission by notifying the administrator by certified mail within 15 days after the decision was mailed to him. The hearing must be held at the next meeting of the commission in the geographical area convenient to the parties. If a hearing is not requested, the decision of the administrator is final.

3. If, after consideration of all the evidence presented at a hearing, the commission finds that a postsecondary educational institution or its agent, or both, are guilty of the violation alleged in the complaint, it shall issue and the administrator shall serve upon the institution or agent, or both, an order to cease and desist from the violation. If the commission finds the institution has substantially failed to furnish the instruction or services agreed upon in the agreement to enroll, it shall order the institution to make full restitution to the student of all money paid pursuant to the agreement. If the commission finds that the institution has substantially furnished the instruction or services agreed upon in the agreement to enroll, but that conditions in the school were sufficiently substandard that it was not reasonable to expect the student to complete the instruction, the commission shall order the institution to make restitution to the student of one-half the money paid pursuant to the agreement. The commission may also, as appropriate, based on the administrator's investigation and the evidence adduced at the hearing, or either of them, institute proceedings to revoke an institution's license or recommend that the administrator institute proceedings to revoke an agent's permit.

Sec. 11. NRS 394.540 is hereby amended to read as follows:

394.540 1. [All] *The* fees *imposed pursuant to this section* must be collected by the administrator and deposited in the state treasury to the credit of the state general fund, and no fees so collected are subject to refund.

2. The fees are:

(a) For a new license	$1,500
(b) For an application by an unlicensed out-of-state educational institution to employ agents in this state	1,000
(c) For a change of ownership	750
(d) To add a new degree or vocational program	500
(e) For an initial agent's permit	200
(f) For the renewal of an agent's permit	100
(g) For a transcript of an academic record which is in the possession of the administrator pursuant to NRS 394.550	5

3. In addition, the administrator shall collect from each licensed postsecondary educational institution a fee [equal to] *of* $4 for each student from which the institution has received tuition or registration fees. The institution shall collect this fee from each such student at the time of the student's initial enrollment with the institution. On or before the first day of January, April, July and October, the institution shall transmit to the administrator the fees collected pursuant to this subsection during the preceding quarter. The administrator shall deposit the fees so transmitted with the state treasurer for credit to the state general fund.

Sec. 12. A postsecondary educational institution licensed in this state before July 1, 1995, which has filed a surety bond pursuant to NRS 394.480 shall maintain a bond in effect until at least December 31, 1996.

Sec. 13. This act becomes effective on July 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to private postsecondary education; establishing an account for student indemnification in the state general fund; specifying the authorized uses of money in the account; imposing a fee on private postsecondary educational institutions; revising provisions governing tuition refunds and bonding requirements; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Establishes account to indemnify students enrolled in licensed private postsecondary educational institutions that discontinue service or violate certain laws. (BDR 34-1621)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 29.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 134.

Bill read second time and ordered to third reading.

Senate Bill No. 317.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 105.

Bill read third time.

The following amendment was proposed by Assemblyman Giunchigliani:

Amendment No. 494.

Amend section 1, page 1, by deleting lines 3 through 11 and inserting:

"*1. The state board shall, by regulation, establish a course of study for an elective course at the secondary level which provides instruction relating to violent and other crimes prohibited in this state. The curriculum for the course of study must be developed respectively by the board of trustees of*

each school district and must include information regarding those acts that constitute violent and other crimes in the State of Nevada and the maximum punishments established by law for the commission of such acts.

2. The state board shall, by regulation, require to be included in the existing curriculum for drivers' education instruction regarding the crimes which affect a person's ability to obtain and retain a driver's license and the maximum punishments established by law for such acts.".

Amend sec. 2, page 1, by deleting lines 12 and 13 and inserting:

"Sec. 2. This act becomes effective on July 1, 1996.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Nolan and Anderson.

Assemblymen Giunchigliani, Bache and Anderson requested a roll call on Assemblyman Giunchigliani's motion.

Roll call on Assemblyman Giunchigliani's motion:

YEAS—21.

NAYS—Allard, Batten, Bennett, Brower, Carpenter, Chowning, Close, Ernaut, Fettic, Goldwater, Harrington, Humke, Manendo, Marvel, Nolan, Spitler, Steel, Stroth, Tiffany, Mr. Speaker Hettrick—20.

Absent—Arberry.

The motion having received a majority, Mr. Speaker declared it carried.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 302.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 302:

YEAS—41.

NAYS—None.

Absent—Arberry.

Assembly Bill No. 302 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 395.

Bill read third time.

Remarks by Assemblyman Batten.

Roll call on Assembly Bill No. 395:

YEAS—41.

NAYS—None.

Absent—Arberry.

Assembly Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 535.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 535:

YEAS—41.

NAYS—None.

Absent—Arberry.

Assembly Bill No. 535 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 91.

Bill read third time.

Remarks by Assemblymen Monaghan, Bache and Humke.

Roll call on Senate Bill No. 91:

YEAS—40.

NAYS—Bennett.

Absent—Arberry.

Senate Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 176.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Harrington, Carpenter, Freeman and Brower.

Roll call on Senate Bill No. 176:

YEAS—27.

NAYS—Bache, Batten, Brower, Chowning, Freeman, Goldwater, Harrington, Lambert, Manendo, Monaghan, Price, Segerblom, Spitler, Steel—14.

Absent—Arberry.

Senate Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 277.

Bill read third time.

Remarks by Assemblyman Lambert.

Conflict of interest declared by Assemblyman Spitler.

Potential conflict of interest declared by Assemblyman Lambert.

Roll call on Senate Bill No. 277:

YEAS—40.

NAYS—None.

Absent—Arberry.

Not voting—Spitler.

Senate Bill No. 277 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 282.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 282:

YEAS—41.

NAYS—None.

Absent—Arberry.

Senate Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 284.

Bill read third time.

Remarks by Assemblyman Monaghan.

Roll call on Senate Bill No. 284:

YEAS—41.

NAYS—None.

Absent—Arberry.

Senate Bill No. 284 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Giunchigliani, Freeman, Bache, Monaghan, Manendo, Chowning, Anderson, Perkins, Price, Williams, Schneider, Braunlin, Steel, Goldwater, Bennett, Ohrenschall and Close:

Assembly Concurrent Resolution No. 33—Directing the Legislative Commission to conduct an interim study to consider the appropriate division of fiscal responsibility for programs and services between the state and local governments.

Assemblyman Giunchigliani moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bills Nos. 158, 232, 280, 285, 289; Senate Concurrent Resolution No. 5.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Yerington High School: MacKenzie Banta, Jason Beck, April Belt, Victor Benumen, Nancy Bezayiff, Sandra Blandin, Bryan Booth, Brandon Borsini, Heather Breeding, Jesse Brinkley, Robert Campbell, Jesse Christensen, Dale Cox, Julie Delporto, Christopher Devolld, Jason Dukek, Jeremy Evans, Les Evasovic, Eddie Foster, James Hakin, Sabrina Hepler, Joe Hern, Lucille Hood, James Hughes, Kori Jones, Jennifer Knight, Stephen Kuhl, Jason Kadue, Leona Munoz, Christa Nez, Bryan Page, Joshua Park, Kyle Penney, Paul Pierce, Richard Pittman, Victoria Pursel, Brooke Quilici, Wes Reed, Sheila Roberts, Amos Roeder, James Rundle, Chantelle Sam, Oralia

Sandoval, Solin Sandoval, Aaron Simpson, Feather Stevens, John Stockman, Travis Summerfield, Amy Tibbals, Peter Torneo, Stanley Wilkinson, Emily Williams, Fred Williamson and Jake Wines; teachers Ron Ruetten and Frances De Giaimo.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Stewart Bell.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Carol C. Harter.

Assemblyman Ernaut moved that the Assembly adjourn until Friday, May 12, 1995 at 10:45 a.m.

Motion carried.

Assembly adjourned at 12:25 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SEVENTEENTH DAY

CARSON CITY (Friday), May 12, 1995

Assembly called to order at 10:52 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Randy Talcott.

Almighty God: We humbly stand before Your presence. Use this Assembly as ministers of Your pleasure. We commit our state, our Governor, our leaders and all its citizens into Your hands. Make us pure and just. Give us courage and faith to make the right decisions. Make us cautious and prudent, yet fearless. Give us wisdom to pause when the path is unclear and give us boldness to refrain from hesitancy when we know what we should be doing. Grant those here to speak and act with the best intentions for the people of our state. As servants of the common good, may this Assembly meet every problem and every task with the greatest of integrity and with sincere hatred of all pretense and expediency. Even in the clash of minds wrestling with thorny questions, grant us the art of disagreeing without being disagreeable, remembering ever that a soft answer turns away wrath and that he who keeps his own spirit is greater than he who takes a city. We ask Your blessing to this end. For Christ's sake. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 427; Senate Bill No. 139, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Assembly Bill No. 562; Assembly Joint Resolution No. 30, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JACK D. CLOSE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 11, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 19, 178.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Assembly Bills Nos. 107, 139, 147, 185, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 598—An Act relating to proceedings in criminal cases; limiting the exclusion of certain persons from such proceedings; authorizing the entry of an order for exclusion during a preliminary examination on the motion of any party or by the magistrate on his own motion; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Manendo, Ohrenschall, Buckley, Close, Bache and Batten:

Assembly Bill No. 599—An Act relating to mobile home parks; prohibiting the landlord of a mobile home park from allowing the placement of a mobile home or any other structure within a certain distance from the boundaries of a mobile home lot; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Manendo (by request):

Assembly Bill No. 600—An Act relating to traffic laws; increasing the fine for parking unlawfully in a space designated for handicapped persons; authorizing private enforcement of laws relating to parking for handicapped persons; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 601—An Act relating to industrial insurance; revising certain provisions regarding the selection of organizations for managed care by the manager of the state industrial insurance system; eliminating certain requirements regarding a plan for the provision of services by an organization for managed care; clarifying that coverage for managed care extends to a county in which an injured employee resides or works; eliminating certain restrictions on the development of plans for programs of vocational rehabilitation by the system; clarifying the provisions regarding coverage for corporate officers; authorizing the manager to adopt by regulation certain criteria regarding employers with excessive losses; allowing the system to receive payments of premiums at different intervals; clarifying that certain employees injured before July 1, 1980, are entitled to compensation of not less than $600 per month; revising certain provisions regarding the subsequent injury fund relating to appeals, false representation and deadlines for making claims; authorizing the system to make disbursements by electronic transfers; including care for dependents as part of vocational rehabilitation services in certain circumstances; eliminating a discrepancy arising from an

election to receive compensation for permanent total disability in certain circumstances; prohibiting the payment of benefits for a permanent total disability during the period in which an injured employee is incarcerated; permitting the manager more discretion to waive penalties for failure to provide, secure or maintain compensation; and providing other matters properly relating thereto.

Assemblyman Nolan moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 182.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 450.

Amend section 1, page 1, line 2, by deleting "$282,000" and inserting "$25,428".

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

"Sec. 2. The provisions of subsection 8 of NRS 176.059 notwithstanding, to supplement the appropriation made by section 1 of chapter 352, Statutes of Nevada 193, at page 1136, the office of the court administrator shall cause to be transferred to the supreme court:

1. From the money allocated pursuant to subsection 8 of NRS 176.059 for the fiscal year 1994-95 for continuing judicial education, $177,198; and

2. From the money allocated pursuant to subsection 8 of NRS 176.059 for the fiscal year 1994-95 to pay for the services of retired justices and retired district judges, $71,000.".

Amend the title of the bill to read as follows:

"An Act relating to the supreme court; making a supplemental appropriation to the supreme court for an anticipated shortfall in revenue from administrative assessments; authorizing certain transfers of money; and providing other matters properly relating thereto.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 313.

Amend sec. 2, page 1, by deleting lines 6 through 9 and inserting:

"*1. Lack of knowledge or training; or*

2. Impaired physical or mental capability, including the habitual abuse of alcohol or addiction to any illegally obtained controlled substance.".

Amend sec. 4, page 1, by deleting lines 13 through 19 and inserting:

"Sec. 4. *A hearing aid specialist whose license has been revoked may not be an active participant in the fitting or dispensing of a hearing aid to any person.*".

Amend sec. 5, pages 1 and 2, by deleting lines 20 through 24 on page 1 and lines 1 through 8 on page 2 and inserting:

"Sec. 5. *1. A hearing aid specialist licensed pursuant to this chapter may sell hearing aids by catalog or mail if:*

(a) He has received a written statement signed by a physician licensed pursuant to chapter 630 of NRS, audiologist licensed pursuant to chapter 637B of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he has performed an otoscopic examination of that person and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(b) He has received a written statement signed by a physician licensed pursuant to chapter 630 of NRS, audiologist licensed pursuant to chapter 637B of NRS or a hearing aid specialist licensed pursuant to this chapter which verifies that he has performed an audiometric examination of that person in compliance with regulations adopted by the board and that the results of the examination indicate that the person may benefit from the use of a hearing aid;

(c) He has received a written statement signed by a hearing aid specialist licensed pursuant to this chapter which verifies that an ear impression has been taken; and

(d) The person has signed a statement acknowledging that the licensee is selling him the hearing aid by catalog or mail based upon the information submitted by the person in accordance with this section.".

Amend sec. 5, page 2, line 12, by deleting "*shall*" and inserting "*may*".

Amend sec. 7, page 2, by deleting lines 20 through 26, and inserting:

"Sec. 7. (Deleted by amendment.)".

Amend sec. 10, page 2, line 47, by deleting: "*, or a copy thereof,*".

Amend sec. 12, page 3, between lines 31 and 32, by inserting:

"*Duplicate license fee..... 20*".

Amend sec. 14, page 4, by deleting lines 12 through 30 and inserting:

"4. [Obtained any fee by fraud or misrepresentation.

5.] Has made any false or fraudulent statements concerning hearing aids [.

6.] *or the business of hearing aid specialist.*

5. Has been guilty of negligence, incompetence or [misconduct in the fitting or dispensing of any hearing aid.

7.] *unprofessional conduct in his practice as a hearing aid specialist. As used in this subsection, "unprofessional conduct" includes, without limitation:*

(a) Conduct which is intended to deceive or which the board by specific regulation has determined is unethical;

(b) Conduct which is harmful to the public or any conduct detrimental to the public health or safety;

(c) Conduct for which disciplinary action was taken by an agency of another state which is authorized to regulate the practice of hearing aid specialists; and

(d) Knowingly employing, directly or indirectly, any person who is not licensed to fit or dispense hearing aids or whose license to fit or dispense hearing aids has been suspended or revoked.

6. Has loaned or transferred his license to another person.

[8.] *7.* Willfully violated any law of this state or any provision of this chapter".

Amend sec. 15, page 4, by deleting lines 35 through 47 and inserting:

"637A.260 1. *The board, any of its members or any other person who believes that a licensee or other person has violated a provision of this chapter may file a complaint specifying the relevant facts with the board. The board may amend any such complaint to include additional allegations if it becomes aware of any additional information concerning a further violation of the provisions of this chapter.*

2. A complaint made against any licensee charging one or more of the causes for which his license may be revoked or suspended must be made with such particularity as to enable the licensee to prepare a defense thereto.

[2.] *3.* The complaint must be made in writing and be signed and verified by the person making it.

4. The board, on its own motion, may investigate the activities of an applicant for or a holder of a license issued pursuant to this chapter at any time.".

Amend sec. 17, page 5, by deleting line 21 and inserting: "*$10,000 upon a finding by the board of more than one violation;*".

Amend sec. 17, page 5, by deleting lines 28 through 30 and inserting: "*demonstrate that he is qualified and competent to practice.*".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 500.

Bill read second time.

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

Amendment No. 417.

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 19 as sections 3 through 18.

Amend the title of the bill, second and third lines, by deleting: "requiring certain justices and judges to remain in the system;".

Assemblyman Harrington moved the adoption of the amendment.

Remarks by Assemblyman Harrington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 26 of the 67th Session.
Resolution read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 35 of the 67th Session.
Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 346.
Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 329.
Bill read third time.
Remarks by Assemblymen Giunchigliani, Neighbors, Bennett, Tiffany and Humke.
Roll call on Assembly Bill No. 329:
YEAS—34.
NAYS—Bennett, Brower, de Braga, Lambert, Monaghan, Neighbors, Nolan, Mr. Speaker Dini—8.

Assembly Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Nolan moved that Assembly Bill No. 105 be placed on the General File.
Motion carried.

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:14 a.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 29.
Resolution read third time.
Remarks by Assemblyman Hettrick.
Roll call on Assembly Joint Resolution No. 29:
YEAS—42.
NAYS—None.

Assembly Joint Resolution No. 29 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Senate Bill No. 134.

Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Senate Bill No. 134:
YEAS—42.
NAYS—None.

Senate Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 317.
Bill read third time.
Remarks by Assemblymen Goldwater, Steel, Evans and Ernaut.
Assemblymen Perkins, Ernaut and Bache moved the previous question.
Motion carried.
The question being on the passage of Senate Bill No. 317.
Roll call on Senate Bill No. 317:
YEAS—41.
NAYS—None.
Not voting—Ernaut.

Senate Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 105.
Bill read third time.
Remarks by Assemblyman Nolan.
Roll call on Assembly Bill No. 105:
YEAS—40.
NAYS—Brower, Carpenter—2.

Assembly Bill No. 105 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 296, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 563, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which were referred Assembly Bills Nos. 177, 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

BERNARD J. ANDERSON, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Price:

Assembly Bill No. 602—An Act relating to meetings of public bodies; defining "action" for purposes of the provisions governing such meetings; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 192 be re-referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced that commencing on Monday, May 15, 1995, all concurrent and one-house resolutions reported from committee will be placed on a resolution file for the next legislative day.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 285, 294, 426; Senate Bills Nos. 23, 65, 117, 205, 368, 387.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Cairn Anderson.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Kyle James Stephens and Julia Harris Stephens.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Cristi Bulloch, Howard Bulloch and Laurel Bulloch.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Jeffrey C. Lusch.

Assemblyman Perkins moved that the Assembly adjourn until Monday, May 15, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 11:36 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

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THE ONE HUNDRED AND TWENTIETH DAY

CARSON CITY (Monday), May 15, 1995

Assembly called to order at 11:05 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, Jerry Peterson.

Heavenly Father: I ask for Your presence here this morning. Lord, please bless these assemblymen and assemblywomen as they carry out their work today. May You keep their minds sharp and their tongues soft. Make their skin thick and their hearts tender. May You give them the courage to not simply do the expedient, but to do the necessary. Father, grant to them the ability to see the impact of their decisions, for they are unable to see the future in their own abilities. In the times they seem to be in a no-win situation and they turn to You, give them Your wisdom and insight. Help them separate the emotions from facts. I ask that You might be with them now as they proceed with business. At the close of the day, may they sense that they have been guided by Your hand. These things I ask in Christ's Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 367, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 407; Assembly Joint Resolution No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted, as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 210, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 118, 289, 336, 452, 461, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 153, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 187, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 365, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 12, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 410.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 153, 458.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 124.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 603—An Act relating to public utilities; authorizing the public service commission of Nevada to levy and collect an assessment from public utilities which provide telecommunication services; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Sandoval and Humke:

Assembly Bill No. 604—An Act relating to indigents; providing that a court may allow an indigent defendant to perform community service to pay for expenses incurred in defending him; providing that the juvenile court may allow an indigent parent, guardian or custodian of a child to perform community service to pay the fees and expenses of an attorney appointed to represent the child; and providing other matters properly relating thereto.

Assemblyman Sandoval moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 153.

Assemblyman Ernaut moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 410.

Assemblyman Ernaut moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 458.

Assemblyman Ernaut moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 177.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 446.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 8 as sections 1 through 7.

Amend sec. 3, page 2, line 27, by deleting "*NRS and:*" and inserting "*NRS.*".

Amend sec. 3, page 2, by deleting lines 28 through 33.

Amend sec. 4, page 3, by deleting lines 7 and 8 and inserting: "*outside his home pursuant to chapter 432B of NRS, the following presumptions must be applied for the purposes of determining the conduct of the parent:*".

Amend sec. 4, page 3, line 9, by deleting "*The*" and inserting "*If the*".

Amend sec. 4, page 3, line 10, by deleting "*months; or*" and inserting: "*months, it must be presumed that the parent or parents have demonstrated only token efforts to care for the child as set forth in paragraph (f) of subsection 2 of NRS 128.105.*".

Amend sec. 4, page 3, line 11, by deleting "*The*" and inserting "*If the*".

Amend sec. 4, page 3, by deleting lines 14 and 15 and inserting: "occurs later, [that failure to comply is evidence of] *it must be presumed that the parent or parents have demonstrated a* failure of parental adjustment [.] *as set forth in paragraph (d) of subsection 2 of NRS 128.105.*".

Amend sec. 7, page 4, line 29, by deleting "128.0126, 128.106,".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 361.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 499.

Amend sec. 2, page 2, line 45, by deleting "Act" and inserting "Act .".

Amend sec. 2, pages 2 and 3, by deleting lines 46 and 47 on page 2 and lines 1 and 2 on page 3, and inserting "seq.).]".

Amend sec. 3, page 3, line 10, by deleting: "4 and 5" and inserting: "4, 5 and 5.5".

Amend sec. 4, page 3, line 11, after "Sec. 4." by inserting "*1.*".

Amend sec. 4, page 3, by deleting lines 14 and 15 and inserting: "*is an Indian child and that the child is a ward of a tribal court, resides on a reservation or is domiciled on a reservation, the agency shall so notify the child's tribe in writing.*

2. The division shall adopt regulations establishing reasonable and uniform standards for making the necessary inquiries to determine whether a child is an Indian child.

3. For the purposes of this section, the domicile of an Indian child must be determined according to Federal common law.".

Amend sec. 5, page 3, by deleting lines 16 through 21 and inserting:

"Sec. 5. *1. If proceedings pursuant to this chapter involve the relinquishment of an Indian child who is a ward of a tribal court, resides on a reservation or is domiciled on a reservation, the court shall transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.*

2. For the purposes of this section, the domicile of an Indian child must be determined according to Federal common law.".

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. *Each court in this state which exercises jurisdiction pursuant to this chapter in a case involving an Indian child shall give full faith and credit to the judicial proceedings of an Indian tribe to the same extent that the Indian tribe gives full faith and credit to the judicial proceedings of the courts of this state.*".

Amend sec. 7, page 3, line 32, by deleting: "*4 and 5*" and inserting: "*4, 5 and 5.5*".

Amend sec. 8, page 3, line 37, by deleting "*exclusive*".

Amend the bill as a whole by adding new sections designated sections 8.3 and 8.5, following sec. 8, to read as follows:

"Sec. 8.3. NRS 127.110 is hereby amended to read as follows:

127.110 1. A petition for adoption of a child who currently resides in the home of the petitioners may be filed at any time after the child has lived in the home for 30 days.

2. The petition for adoption must state, in substance, the following:

(a) The full name and age of the petitioners and the period the petitioners have resided in the State of Nevada before the filing of the petition.

(b) The age of the child sought to be adopted and the period that the child has lived in the home of petitioners before the filing of the petition.

(c) That it is the desire of the petitioners that the relationship of parent and child be established between them and the child.

(d) Their desire that the name of the child be changed, together with the new name desired.

(e) That the petitioners are fit and proper persons to have the care and custody of the child.

(f) That they are financially able to provide for the child.

(g) That there has been a full compliance with the law in regard to consent to adoption.

(h) That there has been a full compliance with NRS 127.220 to 127.310, inclusive.

(i) Whether the child is known to be an Indian child.

3. No order of adoption may be entered unless there has been full compliance with the provisions of NRS 127.220 to 127.310, inclusive.

Sec. 8.5. NRS 127.120 is hereby amended to read as follows:

127.120 1. A petition for adoption of a child must be filed in duplicate with the county clerk. The county clerk shall send one copy of the petition to the division, which shall make an investigation and report as provided in this section. If one petitioner or the spouse of a petitioner is related to the child within the third degree of consanguinity, the court may, in its discretion, waive the investigation by the division. A copy of the order waiving the investigation must be sent to the nearest office of the division by the petitioners within 7 days after the order is issued.

2. The division or a licensed child-placing agency authorized to do so by the court shall [verify] *:*

(a) Verify the allegations of the petition [and investigate] *;*

(b) Investigate the condition and the antecedents of the child *, including, without limitation, whether the child is an Indian child;* and [make]

(c) Make proper inquiry to determine whether the proposed adopting parents are suitable for the minor.

3. The division or the designated agency shall, before the date on which the child has lived for a period of 6 months in the home of the petitioners or within 30 days after receiving the copy of the petition for adoption, whichever is later, submit to the court a full written report of its findings [,] *pursuant to subsection 2,* which must contain *, without limitation,* a specific recommendation for or against approval of the petition [,] and *a statement of whether the child is known to be an Indian child, and* shall furnish to the court any other information regarding the child or proposed home which the court requires. The court, on good cause shown, may extend the time, designating a time certain, within which to submit a report.

[3.] *4.* If the court is dissatisfied with the report submitted by the division, the court may order an independent investigation to be conducted and a report submitted by an agency or person selected by the court. The costs of the investigation and report may be assessed against the petitioner or charged against the county in which the adoption proceeding is pending.''.

Amend sec. 9, page 3, line 42, by deleting: ''10, 11 and 12'' and inserting: ''10 to 12, inclusive,''.

Amend the bill as a whole by adding new sections designated sections 11.3 and 11.5, following sec. 11, to read as follows:

"Sec. 11.3. *1. Any proceedings to terminate the parental rights of the parent of an Indian child pursuant to this chapter must include the testimony of at least one qualified expert witness as provided in the Indian Child Welfare Act.*

2. As used in this section, "qualified expert witness" includes, without limitation:

(a) An Indian person who has personal knowledge about the Indian child's tribe and its customs related to raising a child and the organization of the family; and

(b) A person who has:

(1) Substantial experience and training regarding the customs of Indian tribes related to raising a child; and

(2) Extensive knowledge of the social values and cultural influences of Indian tribes.

Sec. 11.5. *Each court in this state which exercises jurisdiction pursuant to this chapter in a case involving an Indian child shall give full faith and credit to the judicial proceedings of an Indian tribe to the same extent that the Indian tribe gives full faith and credit to the judicial proceedings of the courts of this state.*".

Amend sec. 12, page 3, line 47, after "Sec. 12." by inserting "*1.*".

Amend sec. 12, page 3, line 48, by deleting "*as to*" and inserting: "*of the parent of*".

Amend sec. 12, page 4, before line 1, by inserting:

"*(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.*".

Amend sec. 12, page 4, by deleting lines 1 through 4 and inserting:

"*(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.*

(c) If a tribe declines jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.

2. If the court determines that the parent of an Indian child for whom termination of parental rights is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

as provided in the Indian Child Welfare Act.".

Amend sec. 14, page 4, line 10, by deleting "*exclusive*".

Amend the bill as a whole by adding a new section designated sec. 14.5, following sec. 14, to read as follows:

"Sec. 14.5. NRS 128.050 is hereby amended to read as follows:

128.050 1. The proceedings must be entitled, "In the matter of the parental rights as to....., a minor."

2. A petition must be verified and may be upon information and belief. It must set forth plainly:

(a) The facts which bring the child within the purview of this chapter.

(b) The name, age and residence of the child.

(c) The names and residences of his parents.

(d) The name and residence of the person or persons having physical custody or control of the child.

(e) The name and residence of his legal guardian, if there be one.

(f) The name and residence of the child's nearest known relative residing within the state, if no parent or guardian can be found.

(g) Whether the child is known to be an Indian child.

3. If any of the facts required by subsection 2 are not known by the petitioner, the petition must so state.

4. If the petitioner is a mother filing with respect to her unborn child, the petition must so state and must contain the name and residence of the father or putative father, if known.".

Amend sec. 15, page 4, line 16, by deleting "*exclusive*".

Amend sec. 16, page 4, by deleting lines 40 through 47 and inserting:

"Sec. 16. Chapter 62 of NRS is hereby amended by adding thereto the provisions set forth as sections 16.3 and 16.5 of this act.

Sec. 16.3. *1. If proceedings pursuant to this chapter involve the placement of an Indian child into foster care, the court shall:*

(a) Cause the Indian child's tribe to be notified in writing in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.

(b) Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.

(c) If a tribe declines jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare Act.

2. If the court determines that the parent of an Indian child for whom foster care is sought is indigent, the court:

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

as provided in the Indian Child Welfare Act.

Sec. 16.5. *Each court in this state which exercises jurisdiction pursuant to this chapter in a case involving an Indian child shall give full faith and credit to the judicial proceedings of an Indian tribe to the same extent that the Indian tribe gives full faith and credit to the judicial proceedings of the courts of this state.*".

Amend sec. 18, page 5, by deleting line 28 and inserting: "*tion of an Indian tribe, and except* as".

Amend sec. 19, page 6, line 11, by deleting: "20, 21 and 22" and inserting: "20 to 22, inclusive,".

Amend the bill as a whole by adding new sections designated sections 21.3 through 21.7, following sec. 21, to read as follows:

"Sec. 21.3. *1. Any proceeding to place an Indian child in foster care pursuant to this chapter must include the testimony of at least one qualified expert witness as provided in the Indian Child Welfare Act.*

2. For the purposes of this section, "qualified expert witness" includes, without limitation:

(a) An Indian person who has personal knowledge about the Indian child's tribe and its customs related to raising a child and the organization of the family; and

(b) A person who has:

(1) Substantial experience and training regarding the customs of Indian tribes related to raising a child; and

(2) Extensive knowledge of the social values and cultural influences of Indian tribes.

Sec. 21.5. *1. The agency providing protective services for a child that is taken into custody pursuant to this chapter shall make all necessary inquiries to determine whether the child is an Indian child. The agency shall report that determination to the court.*

2. An agency that provides protective services pursuant to this chapter shall provide training for its personnel regarding the requirements of the Indian Child Welfare Act.

Sec. 21.7. *Each court in this state which exercises jurisdiction pursuant to this chapter in a case involving an Indian child shall give full faith and credit to the judicial proceedings of an Indian tribe to the same extent that the Indian tribe gives full faith and credit to the judicial proceedings of the courts of this state.*".

Amend sec. 22, page 6, by deleting lines 18 through 20 and inserting:

"*1. Cause the Indian child's tribe to be notified in writing at the beginning of the proceedings in the manner provided in the Indian Child Welfare Act. If the Indian child is eligible for membership in more than one tribe, each tribe must be notified.*

2. Transfer the proceedings to the Indian child's tribe in accordance with the Indian Child Welfare Act.

3. If a tribe declines jurisdiction, exercise its jurisdiction as provided in the Indian Child Welfare".

Amend the bill as a whole by adding a new section designated sec. 23.5, following sec. 23, to read as follows:

"Sec. 23.5. NRS 432B.190 is hereby amended to read as follows:

432B.190 The division of child and family services shall adopt regulations establishing reasonable and uniform standards for:

1. Protective services provided in this state;
2. Programs for the prevention of abuse or neglect of a child;
3. The development of local councils involving public and private organizations;
4. Reports of abuse or neglect, records of these reports and the response to these reports;
5. The management and assessment of reported cases of abuse or neglect;

6. The protection of the legal rights of parents and children;

7. Emergency shelter for a child;

8. The prevention, identification and correction of abuse or neglect of a child in residential institutions;

9. Evaluating the development and contents of a plan submitted for approval pursuant to NRS 432B.395; and

10. Developing and distributing to persons who are responsible for a child's welfare a pamphlet that sets forth the procedures for taking a child for placement in protective custody and the legal rights of persons who are parties to a proceeding held pursuant to NRS 432B.410 to 432B.590, inclusive, during all stages of the proceeding.

11. Making the necessary inquiries required pursuant to section 21.5 of this act to determine whether a child is an Indian child.".

Amend sec. 24, page 6, line 28, by deleting "*exclusive*".

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

"Sec. 25. NRS 432B.420 is hereby amended to read as follows:

432B.420 1. A parent or other person responsible for the child's welfare who is alleged to have abused or neglected a child may be represented by an attorney at all stages of any proceedings under NRS 432B.410 to 432B.590, inclusive. [If] *Except as otherwise provided in subsection 2, if* the person is indigent, the court may appoint an attorney to represent him. The court may, if it finds it appropriate, appoint an attorney to represent the child.

2. *If the court determines that the parent of an Indian child for whom protective custody is sought is indigent, the court:*

(a) Shall appoint an attorney to represent the parent;

(b) May appoint an attorney to represent the Indian child; and

(c) May apply to the Secretary of the Interior for the payment of the fees and expenses of such an attorney,

as provided in the Indian Child Welfare Act.

3. Each attorney, other than a public defender, if appointed under the provisions of subsection 1, is entitled to the same compensation and payment for expenses from the county as provided in NRS 7.125 and 7.135 for an attorney appointed to represent a person charged with a crime. An attorney appointed to represent a child may also be appointed as guardian ad litem for the child pursuant to NRS 432B.500, unless the attorney requests the appointment of a separate guardian ad litem. He may not receive any compensation for his services as a guardian ad litem.".

Amend the title of the bill by deleting the fourth line and inserting: "child's tribe if certain proceedings affecting the custody of the child are commenced; requiring an expert witness to testify in certain proceedings which affect the parental rights of the parent of an Indian child; and providing other matters".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 427.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 562.
Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 563.
Bill read second time.
The following amendment was proposed by the Committee on Elections and Procedures:
Amendment No. 500.
Amend section 1, page 2, line 3, after "*furniture*" by inserting "*to and*".
Assemblyman Giunchigliani moved the adoption of the amendment.
Remarks by Assemblyman Giunchigliani.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 30.
Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 139.
Bill read second time and ordered to third reading.

Senate Bill No. 296.
Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 33.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 33.
Assemblyman Neighbors moved the adoption of the resolution.
Remarks by Assemblyman Neighbors.
Resolution adopted.

Assemblyman Williams moved that Assembly Bill No. 204 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Williams.
Motion carried.

Assemblyman Lambert moved that Assembly Bill No. 341 be taken from the Chief Clerk's desk and placed on the Second Reading File.
Remarks by Assemblyman Lambert.
Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 341.

Bill read second time.

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

Amendment No. 503.

Amend section 1, pages 1 and 2, by deleting lines 3 through 23 on page 1 and lines 1 through 6 on page 2 and inserting:

"*1. If a member of the board of trustees of a school district who has served at least one full term of office does not seek reelection or is defeated for reelection and, upon the expiration of his term of office, was covered or had his dependents covered by any group insurance or medical and hospital service established pursuant to NRS 287.010 and 287.020, the board member has the option upon the expiration of his term of office to cancel or continue any such group insurance to the extent that such coverage is not provided to him or a dependent by the Health Insurance for the Aged Act (42 U.S.C. §§ 1395 et seq.). A board member who continues coverage under the program of group insurance shall assume all costs for the continued coverage. A dependent of such a board member has the option, which may be exercised to the same extent and in the same manner as the board member, to cancel or continue coverage in effect on the date the board member dies.*

2. Notice of the selection of the option must be given in writing to the board of trustees of the school district within 30 days after the expiration of the board member's term of office or the date of his death, as the case may be. If no notice is given by that date, the board member and his dependents shall be deemed to have selected the option to cancel the coverage.".

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 and 7 as sections 5 and 6.

Amend sec. 6, page 5, by deleting lines 3 through 23, and inserting: "did not seek reelection in 1994 or was defeated for reelection in 1994 and who was, upon the expiration of his term of office, covered or had his dependents covered by any group insurance or medical and hospital service established pursuant to NRS 287.010 and 287.020, may request that coverage to be reinstated, or the surviving spouse of such a person may make such a request, to the extent that such coverage is not provided to him or a dependent by the Health Insurance for the Aged Act (42 U.S.C. §§ 1395 et seq.), upon notifying the board of trustees of the school district pursuant to subsection 3 and assuming all costs of the coverage.

2. The board of trustees of each school district shall, on or before October 1, 1995, notify each former member of the board or his surviving spouse who is, according to its records, eligible to reinstate coverage pursuant to this section.

3. A person who wishes to reinstate coverage pursuant to this section shall before December 31, 1995, notify the board of trustees of the appropriate school district of his intention to join. A person who receives the notice

sent pursuant to subsection 2 and fails to notify the board of trustees on or before December 31, 1995, of his intention to reinstate the coverage is no longer eligible to join the program pursuant to this section.''.

Amend the title of the bill by deleting the fifth through seventh lines and inserting: ''continue such group insurance; and providing other matters properly relating thereto.''.

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblymen Lambert, Anderson and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 34.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 34.

Assemblyman Ernaut moved the adoption of the resolution.

Remarks by Assemblyman Ernaut.

Resolution adopted.

GENERAL FILE AND THIRD READING

Assembly Bill No. 135.

Bill read third time.

Remarks by Assemblyman Allard.

Conflicts of interest declared by Assemblymen Close and Harrington.

Roll call on Assembly Bill No. 135:

YEAS—40.

NAYS—None.

Not voting—Close, Harrington—2.

Assembly Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 411.

Bill read third time.

Remarks by Assemblyman Buckley.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:40 a.m.

ASSEMBLY IN SESSION

At 11:42 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Buckley moved that Assembly Bill No. 411 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Buckley.

Motion carried.

Assembly Joint Resolution No. 26 of the 67th Session.

Resolution read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Joint Resolution No. 26 of the 67th Session:

YEAS—40.

NAYS—Harrington.

Not voting—Lambert.

Assembly Joint Resolution No. 26 of the 67th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 35 of the 67th Session.

Resolution read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Joint Resolution No. 35 of the 67th Session:

YEAS—39.

NAYS—Carpenter, Harrington, Steel—3.

Assembly Joint Resolution No. 35 of the 67th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 346.

Bill read third time.

Remarks by Assemblymen Price, Tiffany, Close and Dini.

Roll call on Senate Bill No. 346:

YEAS—31.

NAYS—Batten, Bennett, Carpenter, Ernaut, Harrington, Humke, Lambert, Nolan, Sandoval, Stroth, Tripple—11.

Senate Bill No. 346 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 19, 178; Senate Bills Nos. 124, 176, 277, 282.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bob Schebler.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to Linda Scribner.

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Doug Jydstrup.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Mohamed Darjaoui, Sidi Mohamed Loukili, Brahim Benabbou, Azeddine El Khalloufi, Abdelfattah El Kari, Abdelkarim Rkiba, Mamadou Jallow and Linda Ryan.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Marianne Bjorn and Tania Sethman.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Karen Sue Redlack.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Brenda Ralston.

On request of Assemblyman Monaghan, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Newman.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Peggy Rosch.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Judith Linn and David Linn.

Assemblyman Ernaut moved that the Assembly adjourn until Tuesday, May 16, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:16 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-FIRST DAY

CARSON CITY (Tuesday), May 16, 1995

Assembly called to order at 11:07 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblymen Anderson, Humke, Manendo, Monaghan and Schneider, who were excused for the purpose of attending a Judiciary Committee meeting in Phoenix, Arizona.

Prayer by the Chaplain, The Reverend John Mayes.

On this day O Lord, we come before You, as needy people asking You for Your help. We thank You O Lord for Your love, which You give to us each day, in ways that we do not even see. We are humbled by the fact that the Almighty God would take time to hear our petitions. Heavenly Father, we ask of You this day to: Give us courtesy to each other and to everyone we come in contact with today. Help us to be long-suffering and see all sides of each issue we face. Give us sincerity of speech and let our words be true and right in Your sight. Help us to see the responsibility we have in our work here today. Give us diligence to accomplish our allotted tasks. Help us to seek You as we consider our duties this day. Most of all dear God, keep Your protective hand on us this day we pray. In the Name of the God of our Fathers, we ask all these things. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:12 a.m.

ASSEMBLY IN SESSION

At 11:23 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 356, 379, 455, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 15, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 422.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 100, 359.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 20.

Assemblyman Goldwater moved the adoption of the resolution.

Remarks by Assemblyman Goldwater.

Resolution adopted, as amended.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 605—An Act relating to sexually transmitted diseases; providing that certain persons arrested or detained must be tested for sexually transmitted diseases; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Evans, Giunchigliani, Buckley, Goldwater, Dini, de Braga, Neighbors, Carpenter, Segerblom, Schneider, Williams, Price, Perkins, Humke, Sandoval, Anderson, Ernaut, Arberry, Brower, Spitler, Batten, Tiffany, Stroth, Marvel, Ohrenschall, Bache, Freeman, Krenzer, Manendo, Steel, Fettic, Lambert and Braunlin:

Assembly Bill No. 606—An Act relating to crimes; expanding the aggravating circumstances for murder of the first degree to include crimes motivated by certain characteristics of the victim; enacting provisions governing civil liability for crimes motivated by certain characteristics of the victim; establishing a program for reporting crimes motivated by certain characteristics of the victim within the central repository for Nevada records of criminal history; providing an additional penalty for specified crimes motivated by certain characteristics of the victim; and providing other matters properly relating thereto.

Assemblyman Evans moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 607—An Act relating to property taxes; providing for the proration of such taxes if an improvement to real property ceases to exist; authorizing the waiver of penalties for the late payment of such taxes;

requiring the Nevada tax commission to adopt regulations establishing the standards for determining when such a waiver should be granted; and providing other matters properly relating thereto.

Assemblyman Hettrick moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 608—An Act relating to the Virgin Valley Water District; expanding the service area of the district; providing for the annexation of the Bunkerville Water User's Association into the district; providing a salary for members of the governing board of the district; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Education:

Assembly Bill No. 609—An Act relating to education; exempting private schools from providing instruction in certain subjects; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Education:

Assembly Bill No. 610—An Act relating to education; repealing certain provisions which require that instruction in certain subjects be provided in schools; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Education.

Motion carried.

By Assemblymen Harrington, Steel, Carpenter, Close, Sandoval, Fettic, Spitler, Stroth, Bennett, Nolan, Lambert, Allard, Ernaut, Hettrick, Marvel, Braunlin, Tripple, Batten and Brower:

Assembly Bill No. 611—An Act relating to correctional institutions; providing that an offender must not be provided certain items at public expense; requiring the board of state prison commissioners to use alternative forms of housing for offenders when safe, sanitary and practicable; making it mandatory that the director of the department of prisons deduct from an offender's wages an amount to offset the cost of maintaining the offender in the institution; requiring the board to reduce the average annual cost of maintaining an offender in an institution or facility of the department of prisons; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 100.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 359.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 422.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 118.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 475.

Amend section 1, page 1, by deleting lines 6 and 7 and inserting: "*be inscribed with a hand. The*".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 153.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 210.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 449.

Amend sec. 4, page 4, by deleting lines 30 through 33 and inserting: "subsection 1,] *On or before December 15 of each even-numbered year, the chief shall provide to the fiscal analysis division:*

(a) Each agency's adjusted base budget by budgetary account for the next 2 fiscal years; and

(b) An estimated".

Amend sec. 10, page 8, by deleting lines 19 and 20 and inserting: "*3. The budget subcommittee shall conclude its activities before*".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 289.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 427.

Amend section 1, page 1, line 21, by deleting "*$25,*" and inserting "*$35,*".

Amend section 1, page 1, line 23, by deleting "*$5.*" and inserting "*$10.*".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 336.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 426.

Amend section 1, page 1, line 3, after "*purchase*" by inserting: "*from any willing seller*".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 365.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 409.

Amend sec. 5, page 3, by deleting lines 14 through 31 and inserting:

"Sec. 5. (Deleted by amendment.)".

Amend sec. 7, page 4, line 17, after "*number*" by inserting: ", *if the number is available,*".

Amend sec. 7, page 4, line 42, by deleting "A" and inserting: "*The notice must include the statement:*

Even though your right to vote has been challenged, you are still registered and eligible to vote. Please immediately contact this office for information concerning how you may respond to the challenge.

A".

Amend sec. 9, page 5, line 24, by deleting the bracket.

Amend sec. 9, page 5, line 26, by deleting the bracket.

Amend sec. 9, page 5, line 30, by deleting "file" and inserting "[file] *submit*".

Amend sec. 10, pages 5 and 6, by deleting lines 44 through 48 on page 5 and lines 1 through 7 on page 6 and inserting:

"Sec. 10. (Deleted by amendment.)".

Amend the title of the bill, first and second lines, by deleting: "expanding the area around a polling place where electioneering is prohibited;".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 367.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 463.

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

"Sec. 2. NRS 318.170 is hereby amended to read as follows:

318.170 1. The board may, in connection with a district with basic powers relating to storm drainage facilities, sanitary sewer facilities, refuse collection and disposal facilities, and water facilities, or any combination of such facilities:

(a) Consult with the health division of the department of human resources about any system or proposed system of drainage or sewage or garbage and other refuse collection and disposal as to the best method of disposing of the district's drainage or sewage or garbage and other refuse with reference to the existing and future needs of other cities, towns, districts or other persons which may be affected, and submit to the health division for its advice and approval the district's proposed system of drainage or sewage or garbage and other refuse disposal and collection, including , without limitation , both liquid wastes and solid wastes.

(b) Except as limited by the provisions of paragraph (c), compel all owners of inhabited property in the district to use the district's system for the collection and disposal of sewage, garbage and other refuse, either as to liquid wastes, or solid wastes, or both liquid wastes and solid wastes, by connection with the district's sewer system or otherwise, except for industrial property for which arrangements have been made with local health authorities for the disposal of wastes.

(c) Cause a connection by an owner of inhabited property to such a system if a service line is brought by the district to a point within 400 feet of his [dwelling place,] *property line,* and upon a failure of the owner so to connect within 60 days after written mailed notice by the board, *unless good cause is shown for the owner's failure,* cause:

(1) The connection to be made by a person other than an owner; and

(2) A lien to be filed against the property for expense incurred in making the connection.

(d) Make and enforce all necessary regulations for the removal of sewage, garbage or other refuse, and for the proper use of water within the district.

(e) Make all other sanitary regulations not in conflict with the constitution or laws of this state, and provide that any person who violates these regulations or ordinances shall be punished by a fine not to exceed $100 or by imprisonment not to exceed 1 month, or by both fine and imprisonment.

(f) Provide that any industrial user who violates a federally mandated standard shall be punished by a fine not to exceed $1,000 per day for each day the violation continues.

2. A district shall not proceed to acquire or improve any system of water supply, drainage or sewage disposal or garbage and other refuse collection and disposal without first obtaining the approval of the county board of health.

3. As used in this section:

(a) "Drainage" means rainfall, surface and subsoil water.

(b) "Sewage" means domestic and industrial filth and waste.".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 407.

Bill read second time.

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

Amendment No. 465.

Amend the bill as a whole by deleting sections 3 through 26 and the text of the repealed section and renumbering sec. 27 as sec. 3.

Amend the title of the bill to read as follows:

"An Act relating to the state treasurer; authorizing the state treasurer to negotiate the payment of compensation for certain banking services; clarifying certain provisions regarding the deposit of state money in insured credit unions; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 452.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 429.

Amend section 1, page 2, by deleting line 6 and inserting: "*fee of $15 and for each renewal of the plates an additional fee of $10 to*".

Amend sec. 3, page 3, line 4, by deleting the period and inserting: "*and must not be used to replace or supplant funding available from other sources.*".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 461.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 488.

Amend section 1, page 1, line 6, by deleting "[50] *40*" and inserting "50".

Amend sec. 2, page 2, by deleting lines 2 through 6 and inserting: "*land surveyor pursuant to chapter 625 of NRS may collect information to be used exclusively by the municipality for preliminary planning for development of new airports or air navigation facilities or improve-*".

Amend sec. 4, page 3, line 16, by deleting "40" and inserting "[40] *50*".

Amend the bill as a whole by deleting sec. 5 and renumbering sec. 6 as sec. 5.

Amend the title of the bill by deleting the third, fourth and fifth lines and inserting: "concerning airport facilities without publishing notice of its intention to do so; expanding the authorized term for certain such arrangements; and".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 26.

Resolution read second time.

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

Amendment No. 467.

Amend the resolution, page 2, by deleting lines 4 through 8 and inserting:

"JOINTLY, That the Legislature of the State of Nevada hereby reaffirms its vehement opposition".

Amend the resolution, page 2, between lines 12 and 13 by inserting:

"RESOLVED, That this Legislature hereby urges the Congress of the United States to take such actions as are necessary to ensure that the current practice of on-site dry cask storage of high-level radioactive waste is continued until such time as the available technology will allow for the recycling and reuse of high-level radioactive waste; and be it further".

Amend the preamble of the resolution, page 1, by deleting lines 1 through 30 and inserting:

"WHEREAS, The recent debates concerning certain resolutions may have been construed by those living outside Nevada as disagreement among Nevadans regarding whether the Federal Government should place an interim or permanent repository or other facility for the storage or transportation of high-level radioactive waste and spent nuclear fuel in Nevada; and

WHEREAS, Throughout the debate there was one principle that never varied and was agreed upon by an overwhelming majority of Nevadans and that principle was Nevada's forceful and unyielding opposition to the permanent storage of high-level radioactive waste and spent nuclear fuel in Nevada

and any amendment of the Nuclear Waste Policy Act which would allow the siting of an interim storage program or monitored retrievable storage program in Nevada; and

WHEREAS, The State of Nevada has studied the economic, social, public health and safety and environmental impacts that are likely to result from the transportation and storage of high-level radioactive waste and spent nuclear fuel and has conclusively determined that transforming this beautiful state into a nuclear waste disposal area would pose a severe threat to the health and safety of the current and future generations of Nevadans and have devastating consequences on the tourist-based economy of the State of Nevada; and

WHEREAS, The environmental wonders of this state, from the rim of the Red Rock Canyon, the dramatic depths of the Lehman Caves, the lush alpine meadows and the clear mountain streams of the Great Basin National Park to the heights of the spectacular Ruby Mountains, through the wondrous Black Rock Desert to the emerald shores of Lake Tahoe Basin, through the plethora of wonderful wilderness areas to the glimmering waters of Lake Mead, are far too special a treasure to be".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Arberry and Williams:

Assembly Bill No. 612—An Act relating to employment; creating a program for the training of young people who fail to complete school for employment in construction; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Arberry and Williams:

Assembly Bill No. 613—An Act relating to insurance; requiring an authorized insurer to file annually a report of its underwriting standards for each line of insurance offered by the insurer; requiring the commissioner of insurance to take certain action to require an authorized insurer to offer insurance in certain geographical areas in which coverage is denied; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Commerce and Ways and Means.

Motion carried.

By Assemblymen Arberry and Williams:

Assembly Bill No. 614—An Act relating to consumer reports; requiring certain persons to report to reporting agencies information relating to the

payment or restructuring of delinquent debts; requiring reporting agencies to include that information on the consumer report of the debtor; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Commerce and Ways and Means.

Motion carried.

By Assemblymen Arberry and Williams:

Assembly Bill No. 615—An Act relating to the financing of private enterprise; extending the state's participation to the pooling of loans; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Arberry and Williams:

Assembly Bill No. 616—An Act relating to consumer reporting; establishing procedures for procuring a consumer report for a purpose relating to the employment of a consumer; establishing certain requirements for the use of a consumer report in connection with a credit transaction which is not initiated by the consumer; prohibiting persons from furnishing incomplete, inaccurate or disputed information to a reporting agency, under certain circumstances; revising the procedures required to be taken when a consumer disputes the completeness or accuracy of information in the files of a reporting agency; expanding the statutory remedies that are available to a consumer; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Concurrent Committees on Commerce and Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 47, 182, 187, 192, 427, 500, 562; Assembly Joint Resolution No. 30; Senate Bills Nos. 139, 296 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 107.

The following Senate amendment was read:

Amendment No. 255.

Amend section 1, page 1, line 16, after "center" by inserting: ", *museum or research center*".

Amend the title of the bill by deleting the second and third lines and inserting: "limitation on hours for persons employed temporarily by the

University and Community College System of Nevada at a museum or research center of the system or to provide necessary assistance to disabled or academ-".

Assemblyman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 107.

Remarks by Assemblyman Lambert.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 139.

The following Senate amendment was read:

Amendment No. 330.

Amend section 1, page 1, line 20, by deleting "$1,000" and inserting "[$1,000] *$750*".

Assemblyman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 139.

Remarks by Assemblyman Lambert.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 147.

The following Senate amendment was read:

Amendment No. 387.

Amend section 1, page 2, line 21, by deleting "Fifty cents" and inserting: "[Fifty cents] *One dollar*".

Amend the title of the bill, sixth line, after "authority;" by inserting: "increasing the service fees which license agents are entitled to receive;".

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 147.

Remarks by Assemblyman de Braga.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bills Nos. 134, 317.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from White Pine Middle School: John Allison, Rope Ashworth, Chris Barnes, Robert Bass, Eli Blades, Jonathan Brooks, Nicholas Brunson, Mike Camacho, Chet Cessford, Chris Collis, David Coscarart, Juan Coscarart, Adam Eldridge, Jay Gubler, Gage Hansen, Glenn Hasler, William Hasler, Terry Hernandez, Ryan Holmes, David Hunt, Josh Hutchinson, Mark Jackson, Matthew Jackson, B. J. Johnson, Sean Kallery, Eric Lohmann, Nick Makley, Jesse Miller, Mark Nelson, Josh Nicholes, Nick Pay, Andy Rajala, J. W. Reuwsaat, Brady Romero, Hermie Romero, Aaron Ruesch,

Mike Smith, Bill Sorenson, Jared Talor, Jon Walker, Charley Warren, Cody Weltzin, Crystal Allen, Sheila Armijo, Caroline Babb, Jamie Barney, Sami Blackham, Bernadett Bliss, Tessie Cerny, Goldie Chaney, Lauren Critchfield, Samantha Cue, Kelsey Day, Elizabeth Doty, Crystal Ernest, Andrea Hunting, Rabia Khalil, Katie Laird, Amanda Linnell, Suzanna Luscher, Shealene McDonough, Alexis Mellos, Rubyann Mondragon, Chelsea Norcross, Liberty Nowaskey, Shaya Oxborrow, Katy Pasiemiak, Leanette Perez, Michelle Podborny, Amber Purinton, Maggie Reed, Heather Riding, Holly Russell, Tanya Santens, Sarah Schoofs, Amberly Stella, Holly Stroud, Misty Trowbridge, Krista Turk and Kristen VanCamp; teachers Mark Dolezal, Gary Leonard and Janet Basso; chaperones Cassandra Ahlstrom, Elaine Blackham, Julie Day, Donnell Doty, Alan Gubler, Donna Gubler, Mark Henderson, Michelle Leonard, Barbara Miller, Jeff Pasiemiak, Judy Smith, Michael Venturino and Terry Walker.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Galena High School: Francis Allen, Suzanne Brick, Jeff Bridges, Marissa Christman, Corryn Elmore, Kim Ford, Tim Gesh, Megan Gill, Tanner Huminston, Brian Hurst, Kurt Jameson, Ally Lubbe, David Ludlow, Colleen McMullen, Jill Olson, Valerie Parker, Michael Pascoe, Megan Petrosky, Dana Stutes, Trisha Swanson, Dylan Tanner, Veronica Uribe, Alice Zhang, Maggie Day, Jennifer Estum, Summer Sanders, Steve Laforge, Debra Sloan, Lisa Linley and Jennifer Massaro; teachers Mr. Linton and Mr. Thompson.

On request of Assemblyman Freeman, the privilege of the floor of the Assembly Chamber for this day was extended to Earl Mayes.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Ralph Mayer.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to La Rae Bringhurst.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, May 17, 1995 at 10 a.m.

Motion carried.

Assembly adjourned at 11:58 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-SECOND DAY

CARSON CITY (Wednesday), May 17, 1995

Assembly called to order at 10:14 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Jerry Peterson.

Dear God, be with these legislators as they go through another day. As the committee meetings wear on, give them sweetness of spirit. Lord, help those who are testifying before the differing committees to have the virtue of brevity. Give the legislators the ability to make wise decisions. Heavenly Father, help them to focus on the issues at hand and not be distracted by all the red wheels. Give them all the sense of humor they need to relieve the tension. Refresh their minds for the work ahead. Lord, guide them through the rest of the day. These things we ask in Your Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

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

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 525, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Joint Resolution No. 37—Proposing to amend the constitution of the State of Nevada to authorize the supreme court of Nevada to supervise lower courts and court clerks.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 19 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 19. 1. The chief justice is the administrative head of the court system. Subject to such rules as the supreme court may adopt, the chief justice may:

(a) Apportion the work of the supreme court among justices.

(b) Assign district judges to assist in other judicial districts or to specialized functions which may be established by law.

(c) Recall to active service any retired justice or judge of the court system who consents to such recall and who has not been removed or retired for cause or defeated for retention in office, and may assign him to appropriate temporary duty within the court system.

(d) Supervise all tribunals inferior to the supreme court, including, but not limited to, the clerks of those tribunals.

(e) Perform any other duties assigned by the supreme court.

2. In the absence or temporary disability of the chief justice, the associate justice senior in commission shall act as chief justice.

[3. This section becomes effective July 1, 1977.]

Assemblyman Humke moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Manendo, Williams and Harrington:

Assembly Bill No. 617—An Act relating to public school textbooks; requiring the board of trustees of each school district to report to the legislature on the adequacy of its supply of textbooks; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Education.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 618—An Act relating to elections; making various changes to provisions governing elections; providing penalties; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 619—An Act relating to elections; making various changes to the provisions governing elections to comply with the National Voter Registration Act; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 620—An Act relating to elections; requiring the proposed or referred ordinance which will be submitted to the voters for approval to be identical to the proposed or referred ordinance as it appeared on the petition; requiring the district attorney or city attorney of the county or city in which a vote on a proposed or referred ordinance will be held to prepare a condensation and an explanation of the ordinance; requiring the

secretary of state to approve a condensation or an explanation of an ordinance under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 621—An Act relating to children; revising the provisions governing the enforcement of an obligation for the support of a child and the procedure for establishing paternity; facilitating coverage of children under policies and other forms of health insurance and medical services provided by employers; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Dini (by request):

Assembly Bill No. 622—An Act relating to tobacco; providing that a minor may be adjudicated delinquent for obtaining tobacco or falsely representing his age to obtain tobacco; requiring county sheriffs to conduct inspections to enforce compliance with laws pertaining to the sale of tobacco and to report upon those inspections; prohibiting local governmental bodies from adopting restrictions regarding tobacco; revising provisions governing various crimes related to tobacco; prohibiting the sale of nontobacco products in a coin-operated vending machine containing cigarettes; providing penalties; and providing other matters properly relating thereto.

Assemblyman Dini moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 623—An Act relating to juveniles; authorizing the juvenile division of the district court to bind over for trial a child certified as an adult after a formal adversarial hearing; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 624—An Act relating to deadly weapons; defining "deadly weapon" for the purpose of the imposition of an additional penalty for the use of such a weapon in the commission of a crime; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 356.

Bill read second time.

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

Amendment No. 485.

Amend section 1, page 1, line 5, after "meets]" by inserting: ", *except as otherwise provided in subsection 4,*".

Amend section 1, page 1, by deleting lines 20 through 22 and inserting: "4. [The public need to be served by the proceeds of the proposed debt or levy, as compared to other demands, both operational and capital, to be met from available and anticipated tax and other revenues.] *If the information provided pursuant to paragraph (b) of subsection 4 of NRS 350.004 indicates that the proposal would result in a combined property tax rate in any of the overlapping entities within the county which exceeds 90 percent of the limit provided in NRS 361.453:*

(a) The public need to be served by the proceeds of the proposed debt or levy; and

(b) A comparison of that public need and other public needs that appear on the statements of current and contemplated general obligation debt and special elective taxes submitted pursuant to paragraph (a) of subsection 1 of NRS 350.0035 which may also affect the combined tax rate in the area.".

Amend sec. 2, page 2, line 19, after "may" by inserting: ", *after a public hearing,*".

Amend sec. 2, page 2, by deleting lines 32 through 36 and inserting: "purpose for which it is to be incurred. [Publication] *Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications* must be made once in a newspaper of general circulation in the municipality. *When published, the notice of the public hearing*".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblymen Lambert and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 379.

Bill read second time.

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

Amendment No. 428.

Amend section 1, page 1, by deleting lines 7 and 8 and inserting: "*for the initial issuance of that license, registration or certificate unless holding such a license, registration or certificate was a condition of employment at the time he was hired.*".

Amend sec. 2, page 1, line 15, by deleting "*$150*" and inserting "*$100*".

Amend the title of the bill, second line, by deleting "or renewal".

Amend the summary of the bill, second line, by deleting "or renewal".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 379 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 455.

Bill read second time.

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

Amendment No. 466.

Amend section 1, page 1, by deleting lines 15 through 26 and inserting: "for his unused sick leave in excess of 30 days, exclusive of any unused sick leave accrued but not carried forward, according to his number of years of public service, except service with a political subdivision of the state, as follows:

(a) For 10 years of service or more but less than 15 years, not more than $2,500.

(b) For 15 years of service or more but less than 20 years, not more than $4,000.

(c) For 20 years of service or more but less than 25 years, not more than $6,000.

(d) For 25 years of service or more, not more than $8,000.".

Amend the title of the bill, second line, by deleting: "increasing the maximum payment for unused sick leave;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 455 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

GENERAL FILE AND THIRD READING

Assembly Bill No. 47.

Bill read third time.

Remarks by Assemblymen Nolan and Giunchigliani.

Roll call on Assembly Bill No. 47:

YEAS—33.

NAYS—Allard, Brower, Carpenter, Close, Ernaut, Fettic, Marvel, Sandoval, Steel—9.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 153.

Bill read third time.

Remarks by Assemblymen Anderson and Freeman.

Roll call on Assembly Bill No. 153:

YEAS—41.

NAYS—Giunchigliani.

Assembly Bill No. 153 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Lambert moved that Assembly Bill No. 341 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Lambert.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 182.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 182:

YEAS—42.

NAYS—None.

Assembly Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 187.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 406.

Amend section 1, page 2, between lines 3 and 4, by inserting: "*When such personally identifiable information is requested of a law enforcement agency by the presentation of a license plate number, the law enforcement agency shall, as soon as practicable, provide the requester with the requested information if the requester officially reports that the motor vehicle bearing that license plate was used in a violation of NRS 205.240, 205.380 or 205.445 and states that he needs the requested information to recover the related damages by civil action.*".

Amend section 1, page 2, line 39, after "*research*" by inserting "*and analysis*".

Amend section 1, page 3, by deleting lines 5 through 19 and inserting: "*permitted pursuant to this section.*

(h) By a person who is regularly employed or engaged as an editor, reporter or photographer by a newspaper or television or radio station.".

Amend section 1, page 3, line 22, after "*person*" by inserting: ", *except a person who obtained the information pursuant to paragraph (h) of subsection 5,*".

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Amend section 1, page 3, line 38, after the period by inserting: "*In addition, the director shall, by regulation, establish a procedure whereby a person who is requesting information pursuant to paragraph (d), (g) or (h) of subsection 5 and has personally appeared before an employee of the department at least once may establish an account with the department to facilitate his ability to request information by telephone if he has submitted to the department proof of his employment or licensure, as applicable, and a signed and notarized affidavit acknowledging:*

(1) That he has read and fully understands the current laws and regulations regarding the manner in which information from the department's files and records may be obtained and the limited uses which are permitted;

(2) That he understands that any sale of information so obtained must be in accordance with the provisions of this section;

(3) That he understands that a record will be maintained by the department of any information he requests; and

(4) That he understands that a violation of the provisions of this section is a criminal offense.".

Assemblyman Allard moved the adoption of the amendment.

Remarks by Assemblyman Allard.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 192.

Bill read third time.

Remarks by Assemblymen Buckley and Close.

Roll call on Assembly Bill No. 192:

YEAS—37.

NAYS—Allard, Carpenter, Marvel, Steel, Stroth—5.

Assembly Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 427.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 427:

YEAS—42.

NAYS—None.

Assembly Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 500.

Bill read third time.

Remarks by Assemblymen Harrington and Bache.

Potential conflicts of interest declared by Assemblymen Anderson, Arberry, Bache, Carpenter, Fettic, Giunchigliani, Neighbors, Perkins, Segerblom, Tripple and Williams.

Roll call on Assembly Bill No. 500:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 562.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 562:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 563.

Bill read third time.

Remarks by Assemblymen Steel and Dini.

Roll call on Assembly Bill No. 563:

YEAS—36.

NAYS—Bennett, Carpenter, Ohrenschall, Segerblom—4.

Not voting—Goldwater, Harrington—2.

Assembly Bill No. 563 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 30.

Resolution read third time.

Remarks by Assemblymen Dini and Humke.

Roll call on Assembly Joint Resolution No. 30:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 30 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 139.

Bill read third time.

Remarks by Assemblymen Manendo, de Braga, Freeman and Humke.

Assemblyman Bache requested that Assemblyman de Braga's remarks be entered in the Journal.

Thank you, Mr. Speaker. I rise not in favor of, nor in opposition to Senate Bill No. 139, but in the hope of clarifying the stand I am about to take.

As a freshman legislator, I was confronted with a bill that added an aggravating circumstance to the list of crimes for which the death penalty could be applied. I voted against it because I have a philosophical conviction against killing, and because it is very difficult for me to accept the premise that one life is somehow of greater value than another.

A similar bill surfaced early in this session, and again I voted against it because my basic views have not changed. In so doing, I knew full well that my vote was not going to have any impact on the outcome of the bill or on the future application of capital punishment in this state.

Now, I am faced with Senate Bill No. 139. I am torn between two critical questions. Even though I remain firm in my conviction that the death penalty does nothing to deter crime and that once it is imposed all punishment for that criminal ceases, my conscience and I have engaged in significant battles over this bill.

In light of the recent events in Oklahoma City and the increase in crimes that are indefensible by any known measure, I am going to vote in favor of Senate Bill No. 139. I know my conscience is not done with me yet, but I also know that an unmistakable message has to be sent that the taking of human life, especially that killing which is motivated solely by unreasoning hate, must stop.

Roll call on Senate Bill No. 139:

YEAS—42.

NAYS—None.

Senate Bill No. 139 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 296.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 296:

YEAS—42.

NAYS—None.

Senate Bill No. 296 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Bill No. 147 be returned from enrollment.

Remarks by Assemblyman Giunchigliani.

Motion carried.

Assemblyman Giunchigliani moved that the vote whereby Assembly Bill No. 147 was passed be rescinded.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Bill No. 147 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Giunchigliani.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Price requested that Speaker Hettrick's remarks be entered in the Journal.

Speaker Hettrick requested the privilege of the floor for the purpose of making the following remarks:

I happened to attend the Western Nevada Community College graduation ceremonies last night for a friend of mine, and in the middle of that ceremony, I saw this familiar face and a familiar name was mentioned. Nicole Geissler graduated last night as a Phi Theta Kappa with her Associate's Degree in General Studies. Please help me give her a big hand for working and going to college.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 503, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 35.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 35.

Assemblyman Humke moved the adoption of the resolution.

Remarks by Assemblymen Humke, Evans, Anderson and Dini.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I noticed the resolution contains a host of items about this wonderful man and his wife and family. I was taken by the phrase, "exuberance for life." I was also taken by the other phrase, "life-long service." I think that most importantly quantifies Mr. Jones' feeling toward his community as well as his wonderful wife, Martha. And I would like to say that Mr. Jones will be remembered for many, many generations to come along with his wife Martha based on their gratitude and philanthropy to one of their most important recipients which was the University of Nevada, Reno.

It is so difficult to find words for the gratitude that we feel for Mr. Jones because of the tremendous service he did for Reno, Sparks and the entire Nevada community. I wish to impart to you the importance of this resolution and urge adoption. Thank you.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution No. 35. I notice in the resolution it mentions Clarence Jones as one of Nevada's foremost citizens. I would have to say that is an understatement. I thought of Clarence Jones as a Renaissance Man who had a reputation as a no nonsense businessman. But few people in our community had a more loving, caring, and giving heart and I would certainly have to say that applies to Martha.

Clarence grew older, but he never grew old. Until the end, he was always excited with new things. He thought the computer was just a dandy device. He was interested in something called "artificial intelligence," and he was always sending copies of the various publications and journals on artificial intelligence to me at the School of Medicine to pass along to our faculty and students. He wanted to make sure everybody was up to date.

Clarence's memorial service in Reno was held on campus in the Redfield Theater, a very large facility. And I must tell you, every seat was taken. As a tribute to Clarence and

his contributions to the community, as a tribute to Martha and to their daughters, I can think of nothing finer than that expression of love from the community. Clarence, we miss you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I also rise in support of the resolution. As a young man I was actively involved in junior achievement programs and entrepreneurial education. I know that some of you may find that difficult to believe. At that time, Clarence was pushing the program and because of his leadership, that became a really important part of our community by providing a different point of view and experience for young people. I know from having had the opportunity to deal with his daughter over the last several years, Ms. Carlson continues to reflect that same kind of dedication to make a difference in lives, and I remember with great fondness, Mr. Jones and his caring attitude about kids.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I knew Mr. Jones for many years and through the Masonic Order got acquainted with him when I was initiated into the Scottish Rite, and he served as Grand Master. He believed in high principles in Masonry and of the Golden Rule of treating other people like you wanted to be treated. It was always his goal to give back to the people of the State of Nevada the things that he gained here materially, and I think his record reflects that he was a great man to be serving us.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Buckley, Sandoval, Giunchigliani, Bache, Segerblom, Neighbors, de Braga, Evans, Brower, Spitler, Chowning, Humke, Anderson, Allard, Ernaut, Perkins, Williams and Price:

Assembly Bill No. 625—An Act relating to vehicles; authorizing the owner of a towed vehicle to file a civil action in justice's court to determine whether the towing was lawful; requiring the justice's court to schedule a hearing on the action within a certain period; requiring a person who authorizes the unlawful towing of a vehicle to pay the cost of towing and storing the vehicle; and providing other matters properly relating thereto.

Assemblyman Buckley moved that the bill be referred to the Committee on Transportation.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 36.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 36.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans and Dini.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. As you can all tell by the content of this resolution, Mr. Cooke was a prominent member of our Reno community.

I would like to add an additional note, something that many of you may not know, because he certainly did not take credit for this activity or draw attention to himself. Tom Cooke took it upon himself to be a one-man support group for victims of Guillain-Barre Syndrome.

Guillain-Barre Syndrome, sometimes called French Polio, is a dreadful virus that can strike anyone at anytime without warning. What happens to you in a very short period of time is that you become paralyzed. Paralyzed to the point where you need a respirator, to be fed intravenously, and if you are lucky, you will still have the ability to blink your eyes.

Guillain-Barre Syndrome happened to Lieutenant Governor Sue Wagner two months after her dreadful airplane crash. She didn't know what was happening to her or why. It wasn't immediately diagnosed. Tom Cooke, when he found out she was hospitalized, immediately went to her bedside, visited her many times and explained the nature of this terrible illness. He told her, "You can recover. You can recover anywhere from a little bit or all the way." Since he had been victimized, he said be of good cheer, good heart and do all the things in therapy and she would have a great opportunity for full recovery.

Sue asked me to especially share this with all of you today, because his presence and help meant so much to her. As we recognize and remember Tom Cooke for all the wonderful things he did in our community, this is a great contribution that he made and one for which he was not recognized, but all of us owe him a great debt of gratitude. Thank you, Mr. Speaker.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I had the privilege of knowing Tom for many, many years. First in the Democratic circle, and also as the chairman of the Comstock Historic District, which is a body that was created by this legislature and the State of Nevada in participating in preserving the history of the Comstock in Virginia City. He served there very strongly and did a great job in starting the preservation.

Tom was also involved in the preservation of Lake Tahoe. He served on the previous TRPA commission. While we were negotiating in 1980 for a new contract, Tom was very helpful. He came to visit me on more than one occasion with Senator Wilson to help us make our deliberations on that important subject. He really did a great job in preservation and in the environmental areas for our state. He must surely be remembered by our body.

Resolution adopted unanimously.

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

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Anderson, Allard, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Manendo, Nolan, Lambert, Neighbors, Marvel, Krenzer, Humke, Monaghan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams:

Assembly Concurrent Resolution No. 34—Memorializing the late Jeanne Demuth Dini.

WHEREAS, The members of the Nevada Legislature note with profound sorrow the passing of Jeanne Demuth Dini, on June 27, 1994; and

WHEREAS, The untimely death of Jeanne Dini has been felt by all who knew her personally or through her many altruistic endeavors and civic activities; and

WHEREAS, Jeanne Demuth was born on December 22, 1929, in Minnesota and moved to Nevada as a young woman; and

WHEREAS, Jeanne Demuth attended the University of Nevada in Reno, where she studied nursing and met and married her husband Joseph E. Dini, Jr., in 1949; and

WHEREAS, Jeanne Dini was a loving wife to Joe, a loving mother to their four sons, Jay, George, David and Mike, a loving grandmother to twelve grandchildren and one great-grandchild and a true friend to those who knew her; and

WHEREAS, Despite Jeanne Dini's genuine caring nature, she was never characterized as being indecisive or weak-kneed, as evidenced by her sons' affectionate references to her as "The Warden"; and

WHEREAS, During her lifetime, Jeanne Dini rendered tremendous service to the residents of Nevada through her long-time contributions as a member of the Personnel Commission of the State of Nevada and her extensive efforts to support rural mental health clinics, rural historic preservation and many other social issues; and

WHEREAS, Jeanne Dini's life was woven firmly into the very fabric of Yerington, Mason Valley and Lyon County in countless ways, from her work in the family business to her tireless efforts to preserve Yerington's hospital (the South Lyon Medical Center) and from her service as chair of the ongoing drive to restore Yerington's historic Grammar School #9 to her extensive service on the local planning commission; and

WHEREAS, Jeanne Dini built an enviable record of service with numerous civic, religious and fraternal organizations, including the Order of Eastern Star for which she served as Grand Martha, Soroptimist International, the Democratic Women's Club, Beta Sigma Phi, Holy Family Catholic Church and the Italian Catholic Federation; and

WHEREAS, At the foundation of Jeanne Dini's extensive community involvement rested her deep concern for and commitment to people, most especially children and those less fortunate, for whom she was a fierce champion; and

WHEREAS, Jeanne Dini's life of service to others illustrated the words of wisdom found in an ancient church which say, "The more you give, the more you get; the more you do unselfishly, the more you live abundantly; for only what we give away, enriches us from day to day"; and

WHEREAS, Jeanne Dini deeply respected the legislative process and was the constant companion and chief supporter of her husband, long-time Speaker Joe Dini, at the Nevada State Legislature, prompting Yerington's *Mason Valley News* upon her passing to remember her in an editorial entitled, *"Godspeed Madam Speaker"*; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Nevada Legislature extend their heartfelt condolences to the family of Jeanne Dini; and be it further

RESOLVED, That in Jeanne Dini, Nevada has lost a wonderful woman and gracious lady whose hard work left numerous visible reminders of her efforts to make Nevada a better place, and whose belief in people left an indelible mark on the thousands of Nevadans' lives which she touched; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each of Jeanne's sons, Jay, George, David and Mike, and to her loving husband, Joe.

Assemblyman Evans moved the adoption of the resolution.

Remarks by Assemblymen Evans, Arberry, Giunchigliani, Marvel, Spitler, Humke, Carpenter and Price.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing remarks by Governor Bob Miller.

Assembly in recess at 11:54 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Speaker Hettrick.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. Among the many tasks we perform in a legislative session, one of the more difficult is acknowledging that some of our closest and dearest friends and colleagues are no longer with us.

Today we pause in remembrance of Jeanne Dini, who for so many years was a central figure in the Nevada Legislature and especially in this Assembly.

It is sometimes challenging for a woman who is married to a very successful, high-profile man to find her own voice and her own place in this world.

This was not the case with Jeanne. She was a loving and devoted wife, mother and grandmother who took great pride in her family, but she had a mind and a life of her own. She pursued many interests and provided creative leadership to an array of civic activities and state projects. Jeanne was well known for her efforts on historic preservation and my vivid recollection is of her support for health and mental health issues. Jeanne was often found in our Assembly Health and Human Services Committee testifying on those issues. Our rural hospitals and rural mental health clinics found a true friend and advocate in Jeanne Dini.

As I think back over the many outstanding Nevada women that I have known and worked with, Jeanne Dini will always remain at the top of the list of those I most admire. She gave unselfishly of her time and talent to her family, her community, the State of Nevada and certainly to this legislature. Her record of public service is to be envied and is missed. Jeanne always set an example for us in keeping her focus on what was best for all Nevadans.

On a personal level, I miss Jeanne very much. She had a quick mind, a big heart, a generous spirit and a great sense of humor. It was fun just to be with her.

Yes, Jeanne had many fine qualities and one of her defining characteristics was loyalty. Jeanne watched over her family, her friends, and most especially, Joseph E. Dini, Jr. He was the love of her life and the apple of her eye. Woe be to anyone who spoke unkindly about Joe Dini and woe be to any misguided soul or campaign opponent who tried to besmirch his reputation. Jeanne would seek them out, get in their face and set the record straight.

Jeanne, we know you are looking down from Heaven and still watching over us. As we celebrate your life and many contributions, we say thank you for doing so much for so many. God bless you.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 34. I would like to make some comments about Jeanne Dini. It seems like it was just yesterday when I came into this chamber as a freshman and I would like to share a brief story with this body.

My wife and I happened to be in one of the local Carson City stores when I first arrived in town. Coming from and growing up in Las Vegas, to me Carson City seemed like a foreign country even though I had been up here once before. Anyway, my wife and I were

in the local store trying to make a purchase for some merchandise for our moving, and we presented a check to the clerk. The clerk told me that the check was out of state because it was from Las Vegas. I proceeded to tell her that this was an FIB check and that I was sure that FIB was up north. Jeanne Dini overheard the conversation. I didn't know her at the time. I had heard of her and of the Speaker, but I didn't know her. She came to our rescue. She walked over to the clerk and told the clerk, "Excuse me, can we have your manager?" The manager came out and after Jeanne Dini got through, I said, "I don't know who this lady is, but she is all right!" We got our merchandise.

Anyway, I just wanted to share this with you. She made us feel warm because, like I said earlier, when you come into this chamber and you are a freshman and you don't know anyone, you are a little afraid. After a while, you feel comfortable because we become a family. She made us feel like a family.

When we traveled, she was into clocks as some of you might know. She would go find old clocks, fix them and make them work. Well, my wife is into clocks. She doesn't go find old clocks. She finds new clocks that are already working!

I found out about the Garlic Festival in California and I said to Jeanne, "Let's go to the Garlic Festival." She said, "No, all the garlic is grown in Yerington and we ship it to the Garlic Festival."

Anyway, Mr. Speaker, we will miss her. She will always be in our hearts, with you and with us. God bless the family.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. Too often, we don't get time to say thank you and I think that this is an opportunity, maybe a little bit late, to say thank you to Jeanne Dini.

In my first term, I referred to her as "Mom." Her arms were always open. You always knew where she stood, unlike the Speaker sometimes, whose fingerprints are never on anything. With Jeanne, you always knew and I admired that about her because she was forthright on her positions and fought for those positions. In fact, what I always appreciated when Gary and I would go through Yerington was that the house was always open to us. Maybe Joe didn't always realize that, but she always made us welcome and made it a home for anybody that traveled through the area. In fact, one time Jeanne and Joe stayed at our place at Mt. Charleston and Jeanne tried to buy our couch because it was so comfortable.

For those of you who don't know, Joe and Jeanne survived a horrible accident many years ago and her back was severely injured. She had difficulty sleeping. One time, when she was at Mt. Charleston, she fell asleep on the couch and decided she was going to take it with her. It was very difficult to convince her not to. That was the type of person she was.

She truly epitomized "community spirit." In that way, she lives on with us because of her activities and her involvement. The one thing that I would like to thank her and the Speaker for is what I saw in their relationship. That is an impression that Jeanne left with me and my husband and for that I want to say "thank you."

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 34. When you have been around here since 1979, you forget about your partisanship. I think you look more to comradeship and the friendships that you initiate while you are here. And certainly, Jeanne Dini became very close to Willie and me. There has been a tremendous void in this legislative building without the presence of Jeanne Dini. I had the opportunity to work with her on historic preservation. I admired her enthusiasm and her vigor. To Joe and the family, she is going to be sorely missed. But I will tell you one thing, her fingerprints are going to be all over the State of Nevada.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 34, also. You know, once we are elected, all of us become a part of a rather unique community. We are thrown together for a very intensive legislative period in which we spend time agreeing, disagreeing, arguing, building coalitions and tearing them down. We learn a lot about each other during this process. We learn consistencies in our colleagues'

behavior and we sometimes learn and experience inconsistencies in our colleagues' behavior. We meet families and friends of those here at the legislature and, in some cases, we see first-hand how fortunate our colleagues are to love and be loved by such wonderful people. It's in that context that I stand today to honor and remember a very special person.

I first met Jeanne in 1985 when I was a lobbyist and very new to this process. She and I sometimes sat together in the gallery where Mr. Hawes is sitting now. There would also be friends of hers from Yerington sewing or working cross-word puzzles. She was organizing everyone. We would critique a lot of the goings-on. I saw the kindness and genuine concern she had for everyone including her family, her friends, legislators, staff and absolutely anyone in need. In whatever she got involved, it got taken care of.

My next memorable event occurred when a legislator and I were driving to Carson City from Las Vegas. We made the usual stop at Dini's Lucky Club in Yerington. We were going to have dinner there and visit with the Dinis. We found the restaurant closed and no Dinis around. Mr. Speaker was out of town. Jeanne left her home, opened the kitchen and cooked a dinner for her friends. There was absolutely nothing that she wouldn't do for those she cared about and you could have a stranger with you and they were treated beautifully.

My memory of Jeanne will always be of her intense loyalty to her family in good times and bad; her concern for the legislative process; her love of Nevada and unending dedication to the restoral of the Yerington Grammar School No. 9. If you need to know about that commitment, just go back to 1991 and read the minutes of the Ways and Means Committee.

In closing, Mr. Speaker, I remember once several years ago driving through Washoe Valley and being passed by the Dinis, and I might add, at high speed. The license plate read then as it does now "Mr. Speaker." I thought to myself that the plate really should read "Mr. and Mrs. Speaker." Thank you.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. It is difficult to find the words to describe thoughts and feelings on Jeanne Dini. The previous speaker alluded to the fact that once you got to know Mr. Speaker and you got to know Jeanne there really was no partisanship. By the way, I suggest to all members, if you haven't really gotten to know Joe Dini as a friend, you have missed a tremendous bet in this organization. Both Joe and Jeanne have always been extremely gracious and loyal.

I was particularly taken by one phrase in the resolution. "Jeanne Dini deeply respected the legislative process." That means a lot to me and I know it means a lot to Mr. Speaker. It means a lot to most of the members here, but the Dinis both proved that every day.

I just wanted to relate an anecdote about Jeanne's humor and graciousness. I was on several trips with Jeanne and Joe, usually on Western Legislative Conference business. We were coming back from Guam, half-way around the world. We stopped in Honolulu after about an eight-hour flight, after having eaten too many peanuts and drank too many cokes and coffees and were unable to get some sleep. We had a two-hour layover. Too short a time to go anywhere and too long a time to appreciate any rest. Jeanne Dini spent her time split between her concern for some friends who had moved to one of the islands and had experienced a hurricane and had received some property damage. Her other concern was to keep everyone entertained. She managed to do both. There were two hours of phone call attempts interspersed with two hours of nonstop, unadulterated banter which had us all in stitches. It is a time that I will never forget. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 34. I used to wait in great anticipation for all the goodies that Jeanne would bring into this building. I can still see her walking down the hallway with both arms full of great morsels. But what I remember most about her was her unfailing loyalty to our Speaker. When the going got tough, the tougher she would get. I just want to extend my sympathy to Mr. Speaker and members of his family. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I, too, humbly rise in support of Assembly Concurrent Resolution No. 34. The first time that I met Jeanne Dini was the same time that I met Joe, in 1966. I was a political neophyte and I met them at a function in Yerington. At that time, long before I got into the legislature, I had enough money to have a small airplane and I was flying a gentleman around who was campaigning for Governor against Mike O'Callaghan. He had heard about this up-and-coming young man in Yerington by the name of Joe Dini. They were having a Democratic function at the National Guard, so we flew in and went over and met Joe and Jeanne.

Years later when I came to this body, we became great friends and everything that has been said about her is so true and so wonderful. Jeanne and I both collected political buttons and various memorabilia dealing with politics, and many times over the years she would get some political button for me that I didn't have and I would get something for her when I was around collecting and we would exchange those.

She was such a wonderful supporter of Joe, of Nevada, of her family and the process. She was just a tower of strength. Nancy and I visited her in the hospital the day before she left us. I walked away thinking that she was getting better. She was so cheery and pleasant on that particular day and then of course we were in Interim Finance when we heard the news that she had gone on above. I am proud to be in support of this resolution. Our condolences to the family and Joe. We know she is looking down on us.

GOVERNOR MILLER:

Thank you for allowing me the opportunity to speak in this chamber. Nevada, as we all know, is the Silver State. Perhaps in more recent years, we have become more famous for mining precious gold. But, no amount of silver or gold, that has ever been mined in Nevada, or ever will be, can amount to the value of Jeanne Dini to this state.

She has been amply described by so many others in this body. I don't think that there is much more that can describe her personality. She was full of life; a wonder to behold. Certainly, she was outspoken. She not only lobbied members of the legislature, but I can assure you that she lobbied governors as well. She didn't take "no" for an answer. I'm sure many of you found that to be the case.

Jeanne was devoted to her community. The evidence, thereto, I think was how she was held in regard at her funeral. Her funeral was held in a gymnasium. No event in that gymnasium has ever had as many people as there was present to honor Jeanne.

Her passing was a shock to all of us. I know, I had visited her in the hospital, too. I had constant conversations with Joe. All of us thought she had passed the more critical time and was on a fast road to rehabilitation, but it proved tragically to be otherwise.

She has left this state a great legacy. A marriage that is the envy of any who have had the opportunity to witness it. A bevy of children in whom she had so much pride. A community in which she devoted her tireless energies and a state she loved and exemplified by her own actions day in and day out. Her passing is something that all of us should mourn. I commend this body for recognizing the many contributions that Jeanne Dini has made to our state.

Speaker Hettrick requested the privilege of the floor for the purpose of making the following remarks:

I didn't know Jeanne for very long. I didn't have the privilege of getting to know her very well. But, the one thing that I do remember, is a wonderful lady with a great smile and she always had a twinkle in her eye. She was always happy and friendly. She was such a joy to be around.

Resolution adopted unanimously.

Assemblyman Evans moved that all rules be suspended and that Assembly Concurrent Resolution No. 34 be immediately transmitted to the Senate.

Motion carried unanimously.

REMARKS FROM THE FLOOR

Assemblyman Ernaut requested that Assemblyman Dini's remarks be entered in the Journal.

Thank you, everyone, for the kind remarks and wonderful resolution. They greatly honor and please Jeanne and her entire family.

I'm especially proud to be joined at my desk by my four sons. As you see, we grow them big and bigger.

As you know, no one runs for office alone; it's a family affair and most certainly Jeanne was my greatest supporter.

To be sure that relationship which started on a blind date and lasted 47 years, lasted a long time. We had challenging times and lots of fond memories, including this wonderful family. In fact, my newest great-grandson Evan, all three weeks of him, is proof positive that the Dini family is still going strong.

Today, Jeanne would want me to thank all of you here who sent thoughts, prayers and encouragement to her and the family during her illness. I am grateful for all the support we received.

Jeanne spent many hours in this Assembly Chamber and loved this process. It was a big part of her. Last session, we had a bill that we needed for the small rural hospitals, and we had a lobbyist here who went down and talked to Senator Townsend about an amendment on the bill and was told, "No, you can't do that. You will have to get your own bill and then we will pass it." Within 24 hours, it was on the Governor's desk and this lobbyist said, "How did you do this?" I just turned Jeanne on it and it was done.

Jeanne kept track of things here. One thing about it, she never interfered with my legislating. She didn't tell me how to vote. We had a few discussions about a few subjects, but it was my final decision. It was just like my decision to run this last time. We talked about it. She was tired. She said, "You do what you want to do." So, I decided and that was the way it would work.

On behalf of the family, I want to thank you all for your kindness and the wonderful words that were said here today. Thank you, so much.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 107, 139, 147.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Jay Dini, George Dini, David Dini, Michael Dini, Nancy Carr, Karen Dini, John Demuth, Joyce Francisco, Tiffany Thurman, James E. Thurman IV, Josh Dini, Heather Dini, Evan Dini, Debra Dini and Rebecca Hammersla.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Elizabeth Fisher.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from St. Teresa of Avila Catholic School: Hunter Atherton, Danielle Costella, Elizabeth Filberth, Brighid Fronapfel, Meghan Gradert, Johnmin Hickey, Amanda Hoff, Judy Johnson, Dustin McGraw, Ambert Myers, Andrew VanGordon, Johnny Walter, Camille Abbott, Elexia Casteel, Kevin Cote, Joe Covington, Tim Crowley, Quinn Fronapfel, Abbey Gardner, Kelly Getz, Desiree Harington, Monique Hilton, Monica Hoy, Heather Lepire, Allen

Lyttle, Jennifer Moore, Teague Newman, Gina Pellant, Adam Pruitt, Bridgit Taylor, Stephie Thiel, Liz Ward, Jessica Albrent, Jessi Alferez, Brian Anderson, Lillian Bergfield, Selena Bouten, Ramon Cabauatan, Shawn Costa, Roy Jones, Scott Keever, Heidi Nagel, Sean Sullivan, Rebecca Walter, Travis Wellems, Tammy Thiel and Katie Carlson; teachers Cathy Harrison, Mrs. Johnson and Mrs. Pruitt; chaperones Stephanie Gabler, Connie Fronapfel, Louie Cote and Robert Castell.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Martha Jones and Ann Carlson.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to the Eighth Grade Class from Tonopah Middle School; teachers Judy Anderson and Dave Prewett.

Assemblyman Ernaut moved that the Assembly adjourn until Thursday, May 18, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:10 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-THIRD DAY

CARSON CITY (Thursday), May 18, 1995

Assembly called to order at 11:08 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblyman Price, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Heavenly Father, today is the 123rd day of our efforts here. One hundred and twenty-three days! The words of King David seem quite appropriate. "How long, O Lord? Wilt Thou forget us forever? How long wilt Thou hide Thy face from us?" God, help us not to lose hope. Help us to hang on to You. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Concurrent Resolution No. 13, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 17, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 366.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 306, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 34.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 352.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 247, 373, 374.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 91, 284.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Augustine, Mathews and Washington as a first Committee on Conference concerning Senate Bill No. 87.

MARY JO MONGELLI
Assistant Secretary of the Senate

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

Assembly in recess at 11:13 a.m.

ASSEMBLY IN SESSION

At 11:14 a.m.
Madam Speaker pro Tempore Evans presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Assembly Concurrent Resolution No. 13 be placed on the Resolution File.

Motion carried.

By Assemblymen Dini, Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams:

Assembly Concurrent Resolution No. 35—Memorializing former Legislative Counsel Russell W. McDonald.

WHEREAS, The members of this session note with sadness the passing of Russell West McDonald, who served our legislature and the people of this state for so long as Legislative Counsel and in other public offices; and

WHEREAS, Russ McDonald was a native Nevadan, born October 8, 1917, in Reno to Thomas M. and Juanita West McDonald; and

WHEREAS, After beginning his education at the University of Nevada and spending 2 years at Oxford University as a Rhodes Scholar, he entered the United States Navy to serve during World War II and attained the rank of Lieutenant Commander; and

WHEREAS, He completed his education at Stanford University School of Law after the war and was admitted to the State Bar of Nevada; and

WHEREAS, He served as Assistant City Attorney of Reno and codified the ordinances of Washoe County and the cities of Reno, Sparks, Winnemucca and Lovelock; and

WHEREAS, He was appointed in 1951 as Director of the Statute Revision Commission which was composed of the Justices of the Supreme Court and charged with revising the statutes of the state; and

WHEREAS, Under the supervision of the justices, he took the mass of statutes which had accumulated over 90 years without being authoritatively harmonized and weeded out the inconsistencies, producing for enactment by the legislature in 1957 the Nevada Revised Statutes, which comprised "all laws of a general, public and permanent nature" as of January 21, 1957; and

WHEREAS, During the progress of that work and after its completion, he drafted, with the aid of a small staff of lawyers, all bills and resolutions and any amendments thereto introduced in the Nevada Legislature, so the coherence of the Nevada Revised Statutes could be preserved; and

WHEREAS, In 1963, when the responsibility for this latter work was transferred from the judicial to the legislative department and the Legislative Counsel Bureau was created, he became the Legislative Counsel and the Director of the Legislative Counsel Bureau; and

WHEREAS, Upon completion of the revision of the statutes, he and his staff began digesting all of the opinions of the Supreme Court to prepare annotations to the Nevada Revised Statutes and a topical digest of the Nevada Reports, a task initially completed around 1965 and continuing in the annotations now integrated with the statutes as a responsibility of the Legislative Counsel; and

WHEREAS, He served in these capacities until 1971, when he retired at the end of the legislative session from state service and returned to local governmental service, serving as Washoe County Manager until 1976; and

WHEREAS, Throughout and after this long career, he made time for voluntary public service as a member of the State Welfare Board and the Board of Bar Examiners, a trustee of the Nevada Historical Society and a member of the successor board of museums and history; and

WHEREAS, He had a strong social side as well, attested by his many friends and his affiliation with the Free and Accepted Masons, the Order of Nobles of the Mystic Shrine, the Benevolent and Protective Order of Elks, and the Independent Order of Odd Fellows; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 68th session of the Nevada Legislature offer their condolences to the family and friends of Russell W. McDonald; and be it further

RESOLVED, That his true monument is before us every day in the form of the Nevada Revised Statutes that he shaped and that we amend in every bill for a general law; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to his widow, Betty, his son Michael, and his daughters Stephanie Merchant and Kitty Downs.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini and Marvel.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Madam Speaker pro Tempore, and members of the Assembly. It is indeed my pleasure to be able to speak to you on this resolution.

I came here in 1967, and the first person I ran into in the old building was Russ McDonald. He was the whole show. The Legislative Counsel and the director, and was a one-man show down there in the old building. He didn't have much staff, either. I think Ann was his secretary, and there might have been another attorney floating around the building if you could find him.

His record is very impressive. His education was outstanding. If you knew the man, you knew he was a take-charge man. A man who could do the job and didn't mess around. He just did it and that was the way he operated the Counsel Bureau in those days.

He is the father of our NRS. He was commissioned to do the NRS because there wasn't any NRS before 1957. The Nevada Supreme Court had him gather a lot of the laws together and compile them. It takes a brilliant man to do that. He was the right man at the right time for the Nevada Legislature and for the State of Nevada to produce the NRS.

I was involved with him in the Masonic Order and when I was inducted into the Scottish Rite, just a few years ago, Russ gave the charge for me on the 18th or 19th Degree and did that beautifully. A man of his age and memory and that night was just like he was here at the legislature. I appreciated being inducted by him.

His family is here with us today. He leaves a record that can never be obtained by anyone else as far as running this show and in doing the legal end of this important

function in government. I don't know if anyone else can ever match that in the history of this state. I want you to know that in my heart, he was the Nevada Legislature when I arrived here in 1967.

We had a few battles, but sometimes you had to go in and say, "Russ I need a bill." He would say, "I'm pretty busy." Then he would look down the schedule and say, "Well, you've only asked for three this session, so I guess I can put that on the schedule." The next morning when you came into the building there was your bill. And, that was the way he operated. He portioned the bill drafts on occasion, and if he thought you weren't getting enough bills he would take care of you. Sometimes, it was a short staff and we didn't have the magnitude of bills that we have today. He certainly didn't have the staff to go with it. He was a one-man staff.

I will never forget the impression he made on me. He is thoroughly missed by those of us who knew him well. I wish everyone of you could have known him as I did.

ASSEMBLYMAN MARVEL:

Thank you, Madam Speaker pro Tempore. I didn't have the pleasure of working with Russ at the legislature.

When I was elected in 1979, Russ spent a great deal of time around these legislative halls. You might say he was a walking encyclopedia, because if you had any subject you wanted to know something about, just ask Russ. Immediately, he had an answer for you or the NRS citation.

He really was phenomenal in his own right. As Speaker Dini said, we are affiliated in the Masonic Order, in the Scottish Rite and Masons. Russ was in the 33rd Degree which is one of the highest orders you can achieve in Masonry. We certainly want to send our condolences to the family. Russ was an institution and just a fine person.

Resolution adopted unanimously.

Assemblyman Dini moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:28 a.m.

Speaker Dini presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Bill No. 411 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Giunchigliani.

Motion carried.

Assemblyman Lambert moved that Assembly Bill No. 341 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Lambert.

Motion carried.

SPECIAL ORDERS OF THE DAY

The hour of 11:30 a.m. having arrived, Assembly Resolution No. 9 was considered.

Assemblyman Batten moved that the Assembly resolve itself into a Committee of the Whole for the purpose of considering Assembly Resolution No. 9, with Assemblyman Williams as Chairman of the Committee of the Whole.

Motion carried.

IN COMMITTEE OF THE WHOLE

Assemblyman Williams presiding.

Assembly Resolution No. 9 considered.

The Committee of the Whole was addressed by Margo Piscevich, Jake Highton, George Cotton, Laura Vargas, Raymond Hoferer, Gladys Clark, Joyce Peirce, Glen Taylor and Ernest Fountain.

On motion of Assemblyman Batten, the committee did rise, and report back to the Assembly.

ASSEMBLY IN SESSION

At 12:29 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee of the Whole has met and reports back that it has considered Assembly Resolution No. 9.

WENDELL P. WILLIAMS, *Chairman*

Assemblyman Batten requested that the following remarks made during the Committee of the Whole be entered in the Journal.

DENISE DUARTE:

I am Denise Duarte representing the Nevada Women's Lobby. The Nevada Women's Lobby supports Assembly Resolution No. 9. We applaud Assemblyman Thomas Batten's efforts to bring forth this topic for open discussion. It is our hope that this discussion will prove to be a catalyst for our society to move beyond simple compliance of the law, to a natural progression of embracing diversity.

We agree that the concept of affirmative action was based on fairness and equal opportunity and that the ideal has yet to be realized. The original intent of affirmative action was to establish a message to achieve social awareness and create a role model for our society as a whole to emulate.

It has been well documented that white males still maintain a position of power in many aspects of American lives. The United States Department of Labor's Glass Ceiling Commission recently reported that white males possess 95 percent of top management positions. Women comprise 51.5 percent of low-income earners according to the United States Bureau of the Census in 1992. The wage disparity is further illustrated by comparing people of color. For instance, black men earned 74 percent of white males; Hispanic men earned 64.8 percent; black women earned 63.7 percent and Hispanic women earned 53.9 percent.

Since the lives of all people are inherently valuable and worthy of respect and dignity, we must actively work against barriers of race and gender. The Nevada Women's Lobby believes that we should value human differences as a competitive advantage, and our

society should to a multi-culturistic perspective. We are on the path to obtaining a pluralistic culture which will reflect all of the interests, contributions and values of all of its members. Yes, we have been on this path for a short time and since we have not yet reached our destination, we should not change course now. The current accepted definition of social change is, "the alteration in patterns of social structure, social institutions and social behavior over time." We must allow the natural progression to continue. Nevada should promote the doctrine that all people are equal and their economic contributions are valued in our society. Please make this statement by voting in favor of Assembly Resolution No. 9. Thank you.

MARGO PISCEVICH:

Mr. Chairman, members of this Assembly. My name is Margo Piscevich and I am the President of the State Bar of Nevada. I am not here, however, on behalf of the State Bar of Nevada. I am here on behalf of myself as a woman practitioner for the past 25 years. I'm naturally appalled that there are states in the country that are considering abolishing affirmative action. There never has been and never will be an equal playing field in our country. Anyone who believes that there is, is literally rewriting history. We believe that we have a system based on merit. But then if we did, why was there a need for affirmative action? If people believe that the system was made on merit and there is no need for affirmative action, they really need to go back to all of the history books from day one for the last 300 years. In this country, merit has really primarily meant being American means white, Protestant, and male. Thirty years ago where were we? In downtown Reno, blacks were not even allowed to be guests of hotels and casinos. Where were women? Sandra Day O'Connor, the first woman to be on the United States Supreme Court, graduated from Stanford Law School. She looked for work and was offered a position with a prestigious San Francisco firm as a legal secretary.

Look at the history of unions. It's well documented in New York City that if you are not a relative, you are not a member. That had a preference all of its own. If you look at higher education, there's even a higher preference. In private schools, it's called the legacy tag. That means if you are the son or daughter of an alumni, you have a preference in getting accepted. This group is very seldom looked at. However, statistics prove that there are far, far more legacies in private schools than there are combined Asians, blacks, and women.

I think one of the primary benefits and the primary receivers of affirmative action have been women. There's no doubt about it. I was the only woman in my law school when I entered 28 years ago and now approximately 50 percent of the classes are women. In the next century, you will see members of the Bar comprised 40–50 percent by women.

One of the things that I think is a myth about affirmative action is that there is now discrimination against white men. I would like to assure you that reverse discrimination is not a significant problem. According to the U.S. Department of Labor, a study conducted by Rutgers University of Law, Professor Alfred Blusenroe reports that a majority of the discrimination claims brought by white men are without merit. Of the more than 3,000 federal court decisions issued in discrimination cases between 1990 and 1994, less than 100 involved reverse discrimination claims. Furthermore, only six of those reverse discrimination claims were successful.

Affirmative action does not give an excuse to abandon qualifications as a criteria. I think the people think that now you don't need to be qualified in order to get the position. In order to prevail in a civil rights action, obviously you must be a member of the protected sex, but you must be qualified for the position or the promotion. Affirmative action is not an excuse to circumvent the qualification criteria. And that, to me, is where we are making great strides backwards in this country if we try to do away with what has made this country great.

My family came here with both sets of grandparents from Yugoslavia and from the British Isles. Why did they come here? For an opportunity, for freedom. It's that diversity that has made every one of us work in this community and in this nation. All of us came from somewhere and we need to understand that that still needs to keep going. I urge the passage of this resolution and thank you for your time.

JAKE HIGHTON:

I teach journalism at the University of Nevada, Reno. I apologize for not being a sociologist, a Ph.D., a woman, a black, a Latino or Native American. But still, I can speak passionately about the need for retaining affirmative action. It gives women and minorities the opportunities that society still denies them. The truth is that this is a male-dominated society. White males, with only one-third of the U.S. population, predominate at the highest levels of government, business and education. Affirmative action gives women and minorities a chance to break into that dominance.

Yes, some angry white men oppose affirmative action, arguing that they are victims of reverse discrimination. But they have never been subject to the discrimination that blacks in America faced, and still face. This country enslaved blacks for 200 years. It repressed them with "Black Codes" for another 100 years. Even now that legal discrimination has vanished, bias still exists in the job market.

Blacks with equivalent resumes and references as whites have, tend to lose out to whites. What affirmative action does is help assure that racism no longer prevails in job opportunities; that blacks, Latinos and women have a chance at jobs and careers. Black joblessness is higher than that of whites. Blacks lag behind whites in every major prestige occupation except sports.

The median income for whites is about $33,000. It is less than $20,000 for blacks. Latinos make up 55 percent of day-laborers in California, but are less than 6 percent of all California professionals.

Affirmative action is not favoritism, although favoritism is an old custom in America. Your chances of getting into Yale or Harvard are greater if your dad or mother graduated from those schools. Elite colleges insist on racial and geographic balance to better reflect American society. Affirmative action does not mean that unqualified blacks or Latinos are chosen over qualified whites. It simply means that blacks and Latinos get a chance.

I don't think any of us who are not black can truly understand what it is to be black in America. The affronts blacks suffer to their human dignity are constant. Example: Just this month a black executive, an executive at a magazine in New York was detained during a search for an armed suspect. Earlier this week, a report released by the University of California noted that minority enrollment would plummet if affirmative action policies are dropped. And just today, the front page of the New York Times reports on a study showing that segregation persists in 12 states despite the historic desegregation decision by the Supreme Court in Brown vs. Board of Education, 41 years ago yesterday.

So, it is obvious that society still discriminates. We still have "old boy" networks. Glass ceilings can keep women from their due. About 11 percent of white men make more than $50,000. Yet, in the same income bracket, we find just 2.3 percent of black men; just 1.8 percent of white women, and a mere .7 of 1 percent for black women.

Finally, it seems to me that those opposed to affirmative action are being divisive. They are not acting in the spirit of a nation that provides opportunities for so many diverse peoples.

Affirmative action is still necessary to make sure bias does not prevail in the workplace. It is an essential legal means to a just end. A remedy for past and ever continuing discrimination.

I have a column, by the way, that I wrote on the 9th of March. It appears in the *Sparks-Tribune* if anybody is interested. Thank you.

CHAIRMAN WILLIAMS:

As Mr. Cotton is coming up, I would like to acknowledge Councilman Matthew Callister who came to this body with myself back in 1987. Councilman Callister.

GEORGE COTTON:

I would like to thank Assemblyman Batten for inviting me to be here today. My name is George Cotton. I am the Clark County affirmative action manager. I'm a native Nevadan and was born and raised in Reno. I experienced some of the discrimination that has been talked about in this state. I was the Assistant Director of the Equal Rights Commission in

the O'Callaghan administration, so I've seen it from both sides, on the enforcement side as well as now working on the side of an employer trying to eradicate discrimination and how.

I'd like to talk today about a very important topic. The critical issue for the affirmative action debate. The general consensus among many Equal Opportunity professionals and board members representing several Fortune 500 companies which comprise the Equal Employment Advisory Council, is that much of the current debate is based on ignorance or misunderstanding as to the complexity of affirmative action and how it is practiced in the employment context.

The focus of my brief discussion today will be on Executive Order No. 11246 and federal contract compliance programs. As you may be aware, the Congressional Research Service (CRS) prepared a special report at the request of Senate Majority Leader Robert Dole which included Executive Order No. 11246 as one of approximately 160 federal laws and regulations that according to the report requires the granting of preferential treatment on the basis of race, gender or ethnic background. That characterization of the Executive Order program by CRS increases the possibility that it will be caught up in what are expected to be serious congressional efforts to eliminate preferential treatment programs. Indeed, acting on the basis of the CRS report, Senator Dole recently criticized the Executive Order program and called for hearing by the Senate Labor Committee.

I hope to be able to begin a dialogue that will clarify the nature of affirmative action planning as required by the Executive Order program and as practiced by most companies and governmental entities across the country. Specifically, I seek to explain the point that Executive Order No. 11246 does not require contractors to grant preferential treatment to any employee or applicant on the basis of race, gender, or ethnic background.

I trust I'll be able to dispel some of the negative images that are part of many discussions of affirmative action. Policymakers, employers, employees and members of the public should understand that many of the images associated with the term "affirmative action" are simply wrong. When one looks at what, in fact, constitutes affirmative action planning as required by the Executive Order program, it becomes quite clear that contrary to the Congressional Research Service report, Executive Order No. 11246 does not require "preferential treatment" in employment decisions.

To understand fully what is at issue in this debate, it is necessary first to acknowledge that for some people the term "affirmative action" conjures up negative images, such as hiring and promotion quotas; employment vacancies which are "set aside" for women or minorities; unqualified minorities receiving jobs while qualified non-minorities are passed over; corporate productivity drowning in a sea of bureaucratic red tape; and so forth. And, folks, that's not affirmative action, that's just bad management.

To put the current debate over affirmative action in its proper context, it's useful to summarize briefly how the law of equal employment opportunity and affirmative action has evolved over the past 30 years. Title VII of the Civil Rights Act of 1964 sets the standard by prohibiting employment discrimination on the basis of race, color, religion, sex and national origin. Courts enforcing Title VII often use the phrase "affirmative action" in describing positive steps employers are ordered to take to remedy proven instances of discrimination. But in framing such remedial orders, the courts generally have been careful to point out that Title VII does not require employers to remedy the effects of discrimination by society in general. Thus, as used in Title VII context, affirmative action usually has had relatively narrow meaning tied strictly to the consequences of an employer's own unlawful acts or omissions.

Executive Order No. 11246 was signed by President Johnson in 1965. It parallels Title VII in prohibiting employment discrimination by federal government contractors and subcontractors, a category that encompasses most large U.S. companies and many smaller ones. The Executive Order simply requires that contractors and subcontractors, "take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to race, color, religion, sex, or national origin." Thus, under the Executive Order, the obligation to take affirmative action exists independently from any showing that an employer is engaged in an unlawful discrimination act.

Nowhere in the Executive Order is the phrase "affirmative action" defined, nor is any suggestion given that the term was intended to be synonymous with racial or gender preferences. Accordingly, in the employment context, the concept of affirmative action is largely an expression of the executive branch, not necessarily the will of Congress or of the courts. Nevertheless, the language of Executive Order No. 11246 makes clear that the purpose of affirmative action is to ensure equal employment opportunity. On its face, this language would appear to prohibit contractors from ever making any employment decision on the basis of such factors as race or gender. How, then, has affirmative action come to be associated in the mind of most members of the public with decisions that are race and gender conscious, rather than race and gender blind? Thank you for your time.

LAURA VARGAS:

Thank you Mr. Chair and members of the Assembly. For the record, my name is Laura Vargas, and I serve as a representative of the Alliance for Latinas in Action and Solidarity, Nevada Hispanic Services and the Hispanic Business Council. I would like to offer support on behalf of Assembly Resolution No. 9 and I beg your indulgence to allow me to explain why.

Affirmative action is a policy that has allowed our employers and institutions of higher learning to open doors to ethnic minorities and women, who for many years have been unrepresented in our country. In its true form, affirmative action has allowed ethnic minorities and women an opportunity to be hired and receive an education based on their merit and capabilities. Most recently, due to our economic downturn, there are many who choose to lay blame on affirmative action for what they call "stealing jobs from our own." There is also the belief that affirmative action works against white males who have for generations been the dominate culture of our work force.

What is important to note are the following statistics: between 1980 and 1990 the Hispanic population increased nationally by 53 percent, African Americans increased by 13 percent, Native Americans by 38 percent, and the Asian population increased by 108 percent. By the year 2000, our national work force will consist of 10 percent Hispanics, 11 percent African Americans, and 4 percent Asians. Women will make up 47 percent of the work force. These statistics were provided as part of a study conducted by the Department of Labor in 1987. You may ask, "What does this have to do with affirmative action?" It may seem that our ethnic populations and women will continue to become a major part of our work force with or without affirmative action. The key here and the bottom line for many is what is going to be good for business. What is good for business is a strong diversified work force that can meet the demands of a changing population. Public service institutions, businesses, colleges and universities must recognize that their recruitment and retention of ethnic minorities and women will only increase the demand for services that they provide. Where affirmative action fits in is that it continues to be a necessary means of getting ethnic minorities and women in the door. Once in the door, if the institution or business wants to survive, they should be allowed based on merit the opportunity to become the mentors and receive the promotions they are due because of the quality of the work that they perform. Any individual worth their weight will not ask for preferential treatment, only that they be allowed the opportunity, and I emphasize opportunity, to perform. If this country is to remain an economic power, we must recognize the benefits of appreciating and cultivating the diversity that exists.

Although affirmative action in its true form has worked toward this end, the reality is that prejudice and discrimination continues to exist in our society. Preferences continue to exist in our society. As an advisor of the National Conference Camp Anytown Program, I have witnessed the cruelty of prejudice through the tears that comes from the heart of young people who continue to face prejudice and discrimination within the communities where they live. As a diversity management consultant, I have seen the frustration of employees who have worked diligently for their organizations but continue to come up against the glass ceiling. Preferences exist for our veterans, our athletes, and our alumni. They exist not necessarily because they are the best candidate for the job, but because society has deemed that "we owe them something" or that "academic merit is not the only relevant consideration." Do these preferences somehow contain more merit than striving to create an inclusive educational or work environment?

What we must realize is that historically, and still to this day, the "good old boys," college fraternities, and country club memberships that have been the alliances and networks that have influenced or defined job opportunities. Can we honestly say that these practices will not continue if we choose to eliminate affirmative action? Can we honestly say that Hispanics and African Americans will continue to be provided with equal opportunities that it have taken so long to gain? Can we honestly say that the gains made to provide Asians and women with equal pay will continue? Truly, our history and current day attitudes conclude that we cannot.

We must not allow affirmative action to become a scapegoat for our nation's economic ills. We must not allow the struggles that have been made and the progress that has been gained to be for naught. We must not throw the proverbial baby out with the bath water. We must remember that that proverbial baby with all its faults and imperfections is still our baby. We must remember that with care and understanding and the willingness to work through the imperfections, this baby will grow to be a contribution to the betterment of our society. If we choose to sacrifice this baby we will cease to work toward the betterment of our society.

As our state's leaders, show us that you support the betterment of our society through a process that allows for the inclusiveness of everyone. Dismiss those who would choose one preference over another; one bias over another; one fear over another. Reaffirm for us the American dream of equal opportunity for all who wish to contribute to the wellbeing of our community. Vote "yes" on Assembly Resolution No. 9. Thank you.

RAYMOND HOFERER:

Mr. Chairman, I would like to thank Assemblyman Batten and co-sponsors Williams and Arberry for giving me an opportunity to speak on behalf of Assembly Resolution No. 9. This is my first opportunity to address this honorable Assembly of legislators from our great State of Nevada. My name is Raymond Hoferer, Chairman of the Walker River Paiute Tribe of Nevada. We are the second largest tribe in the state in population and land base. As a student at the University of California at Davis in the early 1970s, I was present during the landmark Bakke Decision which eliminated using race as a primary factor in determining accessibility to equal opportunity in education and employment.

As a freshman, I did not realize the far-reaching implications affecting futures of the then applicable minorities of women, who until that point had not realized equal protection under the law.

Until now, Native Americans on federally-recognized Indian reservations have been relatively isolated from ongoing efforts by state, county, and local municipalities in addressing this problem.

As an ever growing, ethnically diverse state, I would ask the Assembly to support Assembly Resolution No. 9, granting each ethnic or under-represented group, has a diverse set of problems as broad as its representation. At the same time, these groups look upon their legislative bodies of representation to protect the rights of all people regardless of race, religion or gender.

I have found this to be evident in accessing equal education for our school children on the Walker River Paiute Reservation. The Schurz School is composed primarily of Native Americans, Mexican-Americans, Euro-Americans and Afro-Americans. The misconception remains as a federal problem, a state problem, a tribal problem and a county problem.

Ladies and gentlemen of the Assembly, as federal decisions become a reality, the cooperation of all entities is demanded to address the needs of all issues pertaining to the residents of Nevada, including funding.

I would urge us to work together as Nevadans to continue to make Nevada a truly unique and diverse community. Thank you.

GLADYS CLARK:

Chairman Williams, Assembly, good morning. For the record, I am Gladys Clark, the Equal Employment Opportunity Director for the State of Nevada. Affirmative action is needed to prevent discrimination. I can recall the days when I, as well as other blacks, in the State of Nevada and also in the state where I grew up were not allowed in certain establishments such as restaurants, churches and other public places. I would like to recall and relate to you a little story that was told to me by one of my girlfriends who grew up in

Las Vegas. She was a guest at the Sands Hotel and Sammy Davis, Jr. was performing there. She and her girlfriend decided they would both go swimming. When they reached the pool, to their amazement the pool had been drained because Sammy Davis had been in the pool. Can you imagine in 1995, or even then, draining a pool simply because a person of a different race or color had gone in for a midnight dip? Well, we have all come a long way, baby.

But that is not the reason I stand here before you today. I want to communicate to you that black males are not the only applicants in the job market who are seeking equal employment opportunity. The job market is very scarce and jobs are very tight.

The issue here is solely economics, and everyone wants their piece of the pie. Why should we kill a program that has the capability of working and benefiting all people? Affirmative action works for men, women, white, ethnic minorities and people with disabilities. Governor Miller is a firm supporter and believer in affirmative action, and so am I because I know that I, as well as other people like me, would not hold positions that they hold today if it were not for affirmative action.

On a more personal note, I attended segregated schools; I studied out of inferior books and some of my instructors only had an eighth-grade education. In some of my classes, when we were instructed to read and we came across a word that we could not pronounce we were instructed to say, "Big word," and move on. Can you imagine? Sometimes, I remember the only thing I could say was, "Big word." Today, I find that a little funny, but I did survive. The superintendent of the schools, who admired the initiative and success of my father who only had a fifth-grade education, furtively provided books to me and my sisters and brothers that were the same provided to the white children because he was a man who believed that everyone should be given an equal opportunity. He also believed and assured in the future success of me and my 11 brothers and sisters. We all went on to college; we received Bachelors Degrees, Masters and some of us even Ph.D.s. My brothers and sisters, if they could, would testify to you today that they too have benefited from affirmative action in the positions that they now hold, and they all are performing very well on their own merit.

It should be understood that even though we encourage state agencies to aggressively recruit and hire ethnic minorities, women and people with disabilities, keep in mind that the decisions are not based on gender, ethnicity or disability alone. It is just as illegal to hire a person based on gender, ethnicity or disability as it is to refuse employment or promotion based on the same criteria. The paramount consideration here is qualifications. Only when qualifications are equal does affirmative action become a consideration.

Affirmative action allows fairness to all qualified applicants. Yes, there may have been a few wrong decisions made in the past because of inexperience, but do we halt a program completely when something goes wrong? For instance, do we stop the amputating of diseased limbs simply because one doctor in the State of Florida amputated the wrong leg? The answer is "no" and we should apply and allow the continuation of affirmative action programs.

Between January 1, 1994 and January 1, 1995, we achieved a 7.8 percent increase in the number of ethnic minorities in full-time, permanent positions. That compares to an increase of 3.3 percent in the number of state employees.

I would like to urge you, the Assembly, to strongly support Assembly Resolution No. 9. It embodies the concepts and ideas of a firmly and clearly designed affirmative action program. I would also like to emphasize to you that if we eliminate this program, the demographics of the State of Nevada as a workforce across the country will mirror what we so painfully endured in the 1960s. Once again, I urge you to support Assembly Resolution No. 9 because it allows opportunity for all to apply who meet the criteria to be hired. Thank you.

JOYCE PEIRCE:

Thank you, Mr. Speaker. My name is Joyce Peirce. I am a state officer for the Business and Professional Women, and that is part of a national organization. Most of the topics have been well covered by the previous speakers, but I did want to add information that was provided to me by our national president. On March 15, 1995, the U.S.A. reaffirmed its commitment to the policies in a press release distributed on that date and I quote, "At a

time when working women still earn approximately seven cents for every dollar men earn in comparable positions, the need for affirmative action laws remains great. When terms like "glass ceiling," "nontraditional occupations" and "gender pay gaps" become obsolete, then perhaps affirmative action will have run its course." I am pleased that this body is considering this resolution, and I hope and pray for all of our sakes that you vote "yes" on this resolution.

GLEN TAYLOR:

Thank you, Mr. Speaker. I am Reverend Glen Taylor of the Greater Life Treatment Center Church. I am also the Affirmative Action Officer for the City of Reno. A number of surveys and a number of overviews limited to state and federal laws have been discussed prior to me coming up here and I do not want to be repititious, but I do want to say this in reference to Assembly Resolution No. 9. I appreciate Assemblyman Batten giving me a call and I made my way up here to really encourage this Assembly to pass this particular resolution because what you are looking at as you look at me standing up here, actually I guess, you would call me a prodigy of affirmative action. Not just because of the fact that I am currently in the affirmative action position for the City of Reno, but when I moved to that State of Nevada, the State of Nevada was known as the "Mississippi of the West" particularly in the black neighborhoods, if you want to call it that. The bottom line is that I made it a point to overcome many of the obstacles which, historically as well as in some instances currently, exist within this state. Nevertheless, because of affirmative action, I was able to pull myself up by my boot straps and gain access into a system that historically, again, did not allow people of my color and people of my particular race to get involved. Of course, there are still systems out there that remain confident that they will be able to maintain the same goal or keep those same barriers in place.

I am here to let you know that the concept of the "Mississippi of the West," as far as Nevada is concerned, I have watched so many changes in this state and I believe with progressive and proactive thinking of Assemblypersons like yourselves, can make a big difference, not only from this day forward, but out of all of the things that you have done historically I still see light at the end of the tunnel. I have had the opportunity, since I have been in this state, to work 10 years in private industry and over 20 years in the public sector at the state level, federal level and the city level. With those opportunities, I have not forgotten where I have been and I think it is an African proverb that says, "If a person forgets where they have been, in turn they will also forget where they are going."

I really think there are a number of individuals who have benefited from affirmative action, but now they have somewhat forgotten their roots. They have forgotten where they have been and in many instances, they may not even know where they are going. But, I am here today to let you know I know where I am going and, at the same time, I also know where I have been. I hope that when you think in terms of affirmative action, you don't just think of it as a black thing or a hispanic thing, but as a people thing. It is hard for me to understand how individuals can go around and say that they are for equal employment opportunity, and yet they fail to recognize the actions that it takes in order to implement such guidelines and policies, be it in the employment realm or even in the realm of public works. When it comes to women minority business enterprises, and when I first heard what was happening in Washington, D.C. relative to affirmative action, I did not believe that the attack was on what's happening in the employment realm. I truly still believe that the reason people are standing up against affirmative action now is because they are tired of giving away the 10 percent that woman and minorities have received throughout the United States. When you get somebody in their pocket, you would be surprised what their testimony would be. You would be surprised at what opinion is all about. I don't care how humanistic they appear on the surface, if the bottom line is what is controlling there lives, then unfortunately, they could care less about you or anybody else, including people like myself. So I really think there is an attack on affirmative action that has nothing to do with who is getting hired in certain jobs. I think it is a matter now of various individuals who are out there who are afraid of women and minorities becoming economically stable as well as getting involved in economic development, not only in this state, but in other states throughout the United States. Just like there is a movement to kill the minority and business enterprise programs as far as public work projects are concerned because, again,

there are many contractors out there who want more than the 90 percent. They want the whole pie. They want 100 percent of the loaf of bread that exists out there. I am afraid to say that, unfortunately, they are putting that under the heading of affirmative action. And then there are laws that are being passed to stop the money from benefiting women and minorities and others.

As well, it seems right now that it is going to affect all of the individuals who have strived to provide equal access in the realm of employment. I pray that those of you who are here not only allow your conscience to be your guide, but allow your real heart to really think in terms of a future for our children as a whole, be it black kids, Hispanic kids, Asian kids, Polynesian kids or white kids. It does not matter because our future in this state will depend upon such actions as what is about to take place here today and a move, a proactive move to support affirmative action in this state. I think a consciousness of individuals who are out there who are trying to not only destroy the hopes and the dreams of a minority and women, but there are many instances where you probably inflate their egos with respect to their hopeless end they feel they have in life. I use that expression because of the fact that I am finding out that when we look throughout the United States and there are people that are just senselessly murdering individuals just to prove a point against a government agency; when you look through this United States and you see people who are just bound by various drugs and other things, and I am not saying that people that are bound by drugs are in a position or in that position just because of the fact that they don't have the opportunity available to them to get good jobs. I do know that some of the crime has been centered around the fact that we have a lot of frustrated individuals out there in our community who have not had the same opportunities of others, and if that continues, and we create more frustration, it always amazes me how we cut back on supplying programs that will help drug offenders and people get off the street, but yet we will spend a whole lot of money to build bigger prisons. Somehow or another that just doesn't ring a spiritual or natural bell with me, but the reality of it all is that I really believe that affirmative action would assist many of those individuals in getting into the employment mainstreams. It would help limit some of their frustration.

I believe that affirmative action will also carry over into the public sector as well as the private sector with respect to equal access for women and minorities, and then I also believe that when it comes to business enterprises, which has been proven historically, that we don't have that many in women business enterprises out there because there have not been a lot of the opportunities to go in and even get a bank loan. In fact, even if you go to the Small Business Administration, which is a federal agency, it is very difficult.

I hope and pray that those of you here will understand the seriousness of what is going on here today and support Assembly Resolution No. 9. Thank you, Mr. Speaker and the Assembly for this time.

ERNEST FOUNTAIN:

Good afternoon. I hardly know what to say after that presentation. First of all, I would like to thank the Chairman for asking me to come here today. My name is Ernest Fountain. I am the President of the Black Business Council. I would like to make some brief comments in reference to affirmative action.

First of all, this country thrives on capitalism which is the economic system whereby all power is derived. Now, how does this system work? It's based on the theory of free enterprise. This free enterprise system is based on each individual having the freedom to become the best that he or she can be. It began at the early stages of childhood whereas we are taught to compete with one another whether it's in the classroom of our schools, childhood games or sports. We all are groomed to compete. Now, I know some people are asking themselves, "What does this have to do with affirmative action?" Well, if the entire system is based on competition and being competitive, then there is a direct correlation between the two. The best performers are those who have access to the resources which will help them to compete. As an example, on a basketball or football team, you can't expect a basketball team to compete without allowing them access to the gym; without providing them with a basketball and without providing them with a coach to teach them the game of basketball. There is a direct correlation to this example and the reason for affirmative action.

First, America kept my ancestors enslaved for 244 years and did not give them access to the constitutional rights of every other American. They did not have access to an education to teach them about the American system. It was against the law for a black person to read or write; they did not have access to property ownership to pass on to their heirs; life insurance benefits and other types of investment products to help propel them to the next economic level. They were denied every opportunity to be all they could be so they could compete in white America. Even after slavery, and for another 100 years, segregation laws prevented my ancestors from having access to the resources that every white American had available to them. The laws were set up to willfully deny my ancestors the opportunities to compete in a system designed for individuals to excel based on competition.

Since segregation, they have institutionalized racism and discrimination to keep me and other minorities from competing. We still don't have access to the financial markets, and without access to finance and economics, we don't have access to the resources or tools to compete on the same level.

Now, in order for us to reach the same goals of success, we must stagger the field. The same way as a track field. Now let's dispel some of the myths in reference to both "set-aside goals" and hirings as it relates to affirmative action. First, the only "set-aside" program is the SBA 8(A) program, whereas federal contract opportunities are actually set-aside for minorities to compete for. We must understand that these are qualified, experienced, licensed and bonded contractors. In other words, they are not just pulling minorities off the streets and giving them contracts in this program regardless of qualifications. Also, under affirmative action, the federal government has goals. For example, the Department of Transportation has a 10 percent goal for minority women. But remember, these are qualified, experienced, bonded and licensed contractors. They had to meet the same standards as all other contractors to be licensed in the state where they are domiciled. Twenty billion dollars, in 1994, 10 percent went to minority and women with only 22 percent going to ethnic minority. The only other goals program is the DOD 5 percent. Still, these goals programs are for qualified, licensed, experienced and bonded contractors, not for any minority off the street who does not have the experience to perform the services or produce the products.

Finally, the last area I would like to discuss is hiring practices. I keep hearing that some qualified white person was not hired when some unqualified black person was hired. This has to be the biggest fallacy of them all. It just irritates me when I hear this simply because there are substantially more unqualified white folks being hired in both the public sector and private sector than black or any other minority group. The supreme court case where the black man was promoted over the qualified white man is the exception, not the rule. Anyone who is not blind really knew that there are not equal opportunities for blacks based on the examples stated above. To imply that 30 years of affirmative action has created a level playing field is insanity, at the least. We ask for your support in passing Assembly Resolution No. 9. Thank you.

CHAIRMAN WILLIAMS:

Thank you. That is the last person signed in to speak on this legislation. Is there anyone else from the public who would like to speak in favor or in opposition of this resolution? Are there any members of the body who would like to make any remarks?

ASSEMBLYMAN ANDERSON:

Mr. Chairman, will we have the opportunity to speak on this when we come back in? If we would, maybe my remarks would be more appropriate for that time.

CHAIRMAN WILLIAMS:

Yes, we will. We will hold the remarks from the members of the body. Mr. Dini?

ASSEMBLYMAN DINI:

Thank you. Mr. Chairman, my only question is to you or to the sponsor. Why did you use a one-house resolution, rather than a two-house resolution? Usually, a one-house resolution is used in-house for our own body action. I think it kind of weakens our position to use an AR rather than an ACR.

MR. BATTEN:

Mr. Chairman, to you and through you to my colleague from Yerington. The reason why I kept it in one house is because I feared it might have died if it went over to the Senate.

CHAIRMAN WILLIAMS:

When the resolution comes up, members will have the chance to speak at that particular time.

MR. BATTEN:

Mr. Chairman, I move that the Committee of the Whole now rise and report back to the Assembly.

CHAIRMAN WILLIAMS:

You have heard the motion, all in favor signify by saying, "aye." The Committee of the Whole is adjourned.

Assembly Resolution No. 9.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblymen Arberry, Anderson, Krenzer, Freeman and Chowning.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. I am caught off guard here Mr. Speaker, as my colleagues designated me as the hit person to give some remarks. But, being one of the minorities in this caucus, it is nice to see that we have one additional, my colleague from the north, and that is what you call affirmative action.

We never thought a minority could really get elected in Carson City or the northern part of the state, but that is about affirmative action. Let's just say that affirmative action is an American success story. Since 1960, I've heard and read that there has been about five million minorities and six million women in the workplace that have been helped by affirmative action. Affirmative action also demonstrates that you are not trying to say that you're not qualified, but that the person is qualified to be at the top of the ladder.

In this nation, we pride ourselves in excellence and fairness to all people. I'd hate to see us abandon affirmative action. I understand, too, Mr. Speaker, that the *Los Angeles Times* took a poll. This poll said, "That fifty percent of the people in this country still believe that prejudice exists in this country." It is important as Nevadans to be committed to affirmative action to insure an equal opportunity for all in reaching out to the racial and ethnic minorities and women and the disabled. I'd love for all of you to successfully approve this resolution.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I am a dreamer in this group. I've always seen myself as such. As a classroom teacher, I believe in it. Equality is a destination. Tolerance is an ideal. An ideal that we must constantly strive for. We all look at the mandate from last November. Each of us was empowered. Agreement is making this constantly alive.

This resolution continues to support that dream. A dream, a continual commitment, that was laid by European philosophers and restated in a declaration by Thomas Jefferson. He believed that the concept of democracy had to be reborn in every generation. It had to be something you were willing to die for. Indeed, all of us do die for this each and every day. If not on the field of battle, here in these Chambers.

I look to my own heritage and think of my father, who came to this country and the nation from which he left, which is still at war over the questions of jobs and who will be economically successful. This resolution keeps in mind the importance for all that we do to continue to strive for those ideals, now more than ever, as our society begins to change

in its technological ways. Now more than ever, as we begin to realize the efforts of the ethnical diversity of our society. This resolution keeps that dream alive; keeps that spirit alive in all of us. I do, indeed, support this resolution.

ASSEMBLYMAN KRENZER:

Thank you, Mr. Speaker. In 1972, then President Richard Nixon, enacted the first affirmative action legislation creating the Office of Minority Business Enterprise. The premise was that America needed more black capitalist.

Affirmative action laws have never been needed more than in 1995, as we seek welfare reform. For the past 12 years, I have worked with minorities, handicapped, seniors, displaced homemakers, injured workers, on the Governor's Committee for Employment of People with Disabilities and the Private Industry Councils. Because of affirmative action laws, private and public employers think twice when recruiting and hiring. None of my clients ever came asking for a handout. All of my clients came looking for a job. Affirmative action works. It saves tax dollars for people who don't want to be on welfare, public housing or SIIS. They become self-sufficient taxpayers. The bottom line is that employers win when they have a well-qualified, diversified, loyal and usually very grateful employee. I urge your support of Assembly Resolution No. 9.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I would be remiss if I, as an elected woman official, did not speak in favor of this resolution. I have been around here long enough, that I remember when there were no women on the city council; there were no women on the county commission; there were no women in constitutional offices and only a few token women in the Nevada State Legislature. It is because of programs such as affirmative action that have given women the courage to step out and prove themselves before the voters and have proven to the voters that they are doing the right thing by supporting women and minorities. I support this resolution and ask that you do the same.

ASSEMBLYMAN CHOWNING:

Thank you, Mr. Speaker. I rise in support of Assembly Resolution No. 9. All my adult life, I have worked to try to help people. When I grew up as a young girl in Las Vegas, the entertainers who entertained so wonderfully on the Strip, were not even allowed to stay in the hotels where they entertained.

As I worked through college, I was told that if I heard a voice at the other end of the phone that sounded like a minority, I was to say that there were no more rooms at the hotel. I couldn't do that. I lost a job because of it. But, fortunately my children do not have to grow up with those kind of orders.

I work all the time in real estate with Hispanics, and I fight all the time so that they can get loans. Because I see prejudice every single day. They have to work harder, and I help them work harder. When I see those doors closing, I open them. But, I can't do this alone. And I am very, very proud of the efforts and of the words that we have had here today. I am proud to be a member of this legislative session and I urge your support of this wonderful resolution. Thank you.

Resolution adopted.

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 28.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted.

Assembly Concurrent Resolution No. 13.

Resolution read.

The following amendment was proposed by Assemblymen Steel and Stroth:

Amendment No. 489.

Amend the resolution, page 2, line 3, after "children" by inserting: "and their families".

Amend the preamble of the resolution, page 1, by deleting lines 4 through 24 and inserting:

"WHEREAS, Adult residents of Nevada have a responsibility to their children to recognize that children have many needs, including, but not limited to:

1. A need for a permanent and stable home.
2. Physical, nutritional, mental, moral and spiritual needs.
3. A need for education.
4. A need for love.
5. A need to be protected from abuse, neglect and exploitation.
6. A need for guidance and fair treatment.".

Amend the title of the resolution, second line, after "children" by inserting: "and their families".

Amend the summary of the resolution, second line, after "dren" by inserting: "and their families".

Assemblyman Steel moved the adoption of the amendment.

Remarks by Assemblymen Steel, Stroth, Harrington, Freeman, Williams, Buckley, Krenzer and Monaghan.

Assemblymen Bache, Lambert and Giunchigliani moved the previous question.

Motion carried.

The question being on the motion to adopt Amendment No. 489 to Assembly Concurrent Resolution No. 13.

Amendment lost.

Assemblyman Freeman moved the adoption of the resolution.

Remarks by Assemblymen Freeman, Ohrenschall, Nolan and Williams.

Assemblyman Freeman requested that the following remarks be entered in the Journal.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I hope you will read Assembly Concurrent Resolution No. 13 in its entirety. It was presented to the Nevada Legislature on May 7, 1987, by the Nevada Federation of Women's Clubs—Child Abuse Coalition.

I would like to read the following remarks of Mrs. Blanche Zucker who is here today:

> Thank you, Speaker Dini, for the opportunity to address the Assembly. It is, indeed, a great honor to speak with you regarding an issue dear to my heart. I wish to speak on Assembly Concurrent Resolution No. 13, which is asking that the original Children's Bill of Rights, created by the General Federation of Women's Clubs—Nevada Child Abuse Coalition be retained as adopted by the Nevada Legislature on May 7, 1987, which was declared Child Abuse and Neglect Prevention Day in this state by Governor Bryan. And, was created by the Legislature in 1985 for the purpose of prevention of child abuse.
>
> As a result of that bill which passed, I'm holding up for you, a report. A report that the children's trust account makes to the Legislature every two years.

This is what Mrs. Zucker is involved in. As she said, "It is an issue dear to our hearts."

The Children's Bill of Rights is a resolution that speaks to our committee as a commitment to safeguard our children. Therefore, we have a job to do as our philosophy and our purpose which parallels the intent of the statute. We dedicate ourselves to the goals of prevention throughout Nevada. This Bill of Rights speaks to all of us, that our

children to the best of our ability, should enjoy these rights. It is a dedication demanded from all of us in this state to secure our future. "If it is not you or you or you, who will speak for the children? Please rededicate the Federation's Bill of Rights of 1987. Thank you." This is a quotation from Mrs. Zucker.

I don't know if I have to read to you the language in the bill, but I do ask for your support. I think it is important. Thank you.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Mr. Speaker. I rise in support, be it reluctant, of Assembly Concurrent Resolution No. 13. I truly believe this is a simple reaffirmation of our concern about the children of this state. I did vote for the amendment which was just defeated. I know this resolution has become somewhat controversial as some individuals are reading different meanings into its language. I have heard references from many constituents about the youth corps, youth camps and worries about the future.

Again, I've studied the language and I see this as nothing more than a recommitment on our part to consider the best interests of the children as we make policy decisions. If I felt it was more than this, I would not be voting for the resolution. If the day ever comes that I feel action is being taken that infringes on parents or families, I will lead the charge against those actions.

I, too, have children and I don't want the government in any way to interfere in my family life, as long as I'm doing my job and as long as my children have everything that they need. I think the fact that Assembly Concurrent Resolution No. 13 was first adopted in 1987, and has been on the books for eight years, and has not yet lead to any of the dire consequences predicted is a good argument that it is a simple statement and reminder that we are to look to the interest of children.

I am supporting this resolution because I am concerned about the more than 9,000 substantiated cases of child abuse and neglect in our state in 1993. I am concerned about the more than 1,300 children who are in foster care, because their parents either cannot or will not provide them a safe, loving environment. I think that's what this resolution is aimed at—to make us remember these cases and these children. Thank you.

ASSEMBLYMAN NOLAN:

Thank you, Mr. Speaker. I have just one question to ask. Who of us needs a reminder that we are here to represent the opinions, viewpoints and perspective of children in this state? Who needs a resolution for us to remember what we work on is acts of legislation for the perspective of children within this state? I would like to see a show of hands, including the proponents, of those people who need a resolution to remind them of what our duty is to children in this state. And, I don't see that.

I think, we, in the past several months have been discussing, and yes, I sit on the committee who has discussed this, has received literally hundreds of phone calls from constituents who elected us and put us into office saying they do not need, nor do they want this resolution. The fact that it has been on the books and remains on the books is good enough for me. Thank you.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. To my colleague from District No. 13, we all need a reminder when it comes to children whether we know it or not.

Every single day a child is at risk. We talk so much about children at risk, but every child is at risk. I think, we, more than anyone else in the State of Nevada, who makes policy and sets policy, needs a reminder every single day. This resolution does nothing else for us. We should have it plastered on our walls. Every morning, we should look up and read it to remind ourselves. The day we don't need a reminder to show the children we do set policies in this legislature is the day we need to leave. We do need a reminder, all of us need a reminder, whether we are working for children or not. I can tell you again, if we don't, something is wrong.

Every time you look at the statistics of the young people incarcerated, committing suicide, bringing guns into schools and young people who are committing crimes, we need

a reminder everyday. If you look at those statistics you remind yourself, and the day we don't remind ourselves, we have a serious problem. I urge you to pass Assembly Concurrent Resolution No. 13.

Assemblymen Giunchigliani, Ernaut and Bache moved the previous question.

Motion carried.

The question being on the motion to adopt Assembly Concurrent Resolution No. 13.

Resolution adopted.

By the Committee on Health and Human Services:

Assembly Concurrent Resolution No. 36—Expressing support for Nevada's Comprehensive School Health Program.

Assemblyman Freeman moved that the resolution be referred to the Committee on Education.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Harrington requested that Assemblyman Nolan's remarks be entered in the Journal.

Thank you, Mr. Speaker. This was Emergency Medical Services Week. As some of you noticed, there were paramedics and EMTs wandering the halls, and a few were sitting with us a little bit earlier. They didn't have quite the staying power that my colleague's guest from Boulder City had. I just want to make a quick remark on behalf of them and their colleagues; men and women in the Emergency Medical Services.

Sometimes, we take for granted that most of us can pick up the telephone and dial a simple number anytime day or night in the middle of a crisis, and that within a short period of time, professional people will arrive and help us through that crisis whether it be a fire or a medical emergency. The people who do this job have a very difficult job. Not only do they have to deal with the pain, suffering, agony and gore, but they have to also bear witness to acts of inhumanities, even which the most seasoned medics sometimes can't erase from their eternal memories.

They risk injury to themselves, both from violence and physical injury, by lifting and carrying patients, as well as exposing themselves to a whole plethora of diseases, such as meningitis, AIDS and hepatitis. I think these people do quite a bit throughout the state for us. They don't get paid a whole lot for what they do. Yet, they sacrifice themselves and their families to provide a service that many of us couldn't imagine doing. I would like to ask this Assembly to acknowledge those men and women, both paid and volunteer, working for private services and fire departments, and offer to them a hand of thanks for the good job they do for us every day and every night. Thank you, Mr. Speaker.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 626—An Act relating to drugs; repealing the assessment on gross receipts from the sale of amygdalin and procaine hydrochloride with preservatives and stabilizers; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 627—An Act relating to motor vehicle fuel; revising the formula for the allocation to the counties of the proceeds of an additional excise tax levied on motor vehicle fuel; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 628—An Act relating to motor vehicles; requiring the registered owner of a motor vehicle to pay a civil penalty to the department of motor vehicles and public safety for the failure to have a contract of insurance or to return a form for verification of insurance to the department under certain circumstances; creating the account for verification of insurance in the state general fund; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 629—An Act making a supplemental appropriation to the department of museums, library and arts for certain operating expenses of the Nevada historical society; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 630—An Act relating to the legislative counsel bureau; requiring reimbursement of the legislative counsel bureau for drafting legislation for certain entities; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Neighbors:

Assembly Bill No. 631—An Act relating to state financial administration; revising the distribution of revenue received by the state from the lease of federal land; and providing other matters properly relating thereto.

Assemblyman Neighbors moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 247.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 352.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 373.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 374.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 503.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 447.

Amend section 1, page 2, by deleting line 31 and inserting: "*agency licensed pursuant to chapter 127 of NRS*".

Amend section 1, page 2, line 32, by deleting "*county*".

Amend sec. 2, page 2, line 34, by deleting: "3, 4 and 5" and inserting: "3 and 4".

Amend sec. 3, page 2, by deleting lines 35 through 44 and inserting:

"Sec. 3. *1. Except as otherwise provided in subsection 2, the division or a licensed child-placing agency shall provide the adopting parents of a child with a report which includes:*

(a) A copy of any medical records of the child which are in the possession of the division or licensed child-placing agency; and

(b) Any information regarding the medical and sociological history of the child obtained by the division or licensed child-placing agency during interviews of the natural parent.

2. The report created pursuant to subsection 1 must exclude any information that would lead to the identification of the natural parent.".

Amend the bill as a whole by deleting sec. 4 and renumbering sec. 5 as sec. 4.

Amend sec. 5, page 3, by deleting lines 17 through 20 and inserting:

"Sec. 4. *1. The natural parent of a child may not bring an action to set aside an adoption after a petition for adoption has been granted, unless a court of competent jurisdiction has previously, in a separate action:*

(a) Set aside the consent to the adoption;

(b) Set aside the relinquishment of the child for adoption; or

(c) Reversed an order terminating the parental rights of the natural parent.".

Amend sec. 5, page 3, line 21, after "*presumption*" by inserting: "*for the purposes of this chapter*".

Amend the bill as a whole by deleting sec. 6 and renumbering sections 7 through 9 as sections 5 through 7.

Amend sec. 7, page 4, by deleting lines 5 through 9.

Amend sec. 9, page 5, line 1, after "*shall*" by inserting: "*determine whether a child has special needs and*".

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

"Sec. 8. Chapter 128 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In any action commenced by the natural parent of a child to set aside an adoption after a petition for adoption has been granted, the best interests of the child must be the primary and determining consideration of the court.

2. After a petition for adoption has been granted, there is a presumption for the purposes of this chapter that remaining in the home of the adopting parent is in the child's best interest.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 525.

Bill read second time.

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

Amendment No. 464.

Amend section 1, page 1, line 1, by deleting: "sections 2 and 3" and inserting "section 2".

Amend sec. 2, page 1, line 7, by deleting "shall," and inserting "may,".

Amend the bill as a whole by deleting sec. 3 and renumbering sec. 4 as sec. 3.

Amend the title of the bill, first line, by deleting "requiring" and inserting "authorizing".

Amend the summary of the bill, first line, by deleting "Requires" and inserting "Authorizes".

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblymen Segerblom and Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 118.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 118:

YEAS—41.

NAYS—None.

Absent—Price.

Assembly Bill No. 118 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 210.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 571.

Amend sec. 3, page 3, line 25, by deleting "September 1" and inserting: "[September 1] *August 15*".

Amend sec. 3, page 3, line 38, by deleting "September 1" and inserting: "[September 1] *August 15*".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 289.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 289:

YEAS—41.

NAYS—None.

Absent—Price.

Assembly Bill No. 289 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Lambert moved that Assembly Bill No. 336 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Lambert.

Motion carried.

Assemblyman Lambert moved that Assembly Bill No. 461 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Lambert.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 365.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 365:

YEAS—41.

NAYS—None.

Absent—Price.

Assembly Bill No. 365 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 367.

Bill read third time.

The following amendment was proposed by Assemblyman Lambert:

Amendment No. 575.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 341, 407, 411 452; Assembly Joint Resolution No. 26 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bills Nos. 91, 284, 346; Senate Concurrent Resolutions Nos. 33, 34.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Robert P. Parker.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Betty McDonald, Mike McDonald, Stephanie Merchant, Kitty Downs, Trelane Downs and Bill Downs.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Paul O'Rourke and Bruce G. Toy, Jr.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Fremont Elementary School: Daniel Berger, Katelyn Baker, Lindsey Barnes, Sara Coleman, David DeFlyer, Mike Dittenber, Rachel Holloway, Jeff Hurzel, Brittany Jones, Adrienne Jordan, Chris Marcin, Brad Martin, Christina Quigley, Irasema Ramirez, Tyler Raponi, Nick Ryan, Nick Shine, Celeste Stapley, Jon Stone, Rachel Strull, David Taylor, Paige Thayer, Jody Olsen, Jenny Turnbull, Luci Ann Zuend, Jamie Reavis, Ricky Adamd, Tyler Hough, Cameron Leck, Brad Metcalf, David Nelsen, Josh Patterson, Danny Rotter, Chris Scott, Brian Streng, Billy Toohey III, Levi Westin, James Wood, Daniel Zink, Samantha Barte, Baylee Biber, Brandi Crane,

Shellie Holder, Erin Hunn, Jessica Lamas, Adrienne Fletcher, Samantha Matrarga, Jennifer Osif, Monica Prunty, Carly Southern, Daza Talas, Dana Wilkens, Jason Alcasas, Alex Baumeister, Nick Ediss, Patrick Higgins, Steve Lubich, Eric Melendez, Josh Dakes, Brian Puckett, Andrew Roullard, Grant Runacres, Shlok Vaidya, Cody York, Chris Espinoza, Amber Booth, Rachel Cox, Jolynne Elbert, Erica Eng, Lindsay Farnsworth, Cassy Froman, Heather Kuhn, Nicole Martinkus, Sarah Ragsdale, Stephanie Shaw, Leah Southern, Kailie Timmons, Jaqueline Beadling, David Fontano, Francisco Fuentes, Devon Gildark, Bryan Hurzel, Zach Koch, Kenneth Kruse, Devin Moffat, Tony Nelson, Nick Riley, Lyden Sanders, Mike Taylor, Charles Vance, Vanessa Abare, Erin Amodei, Marlene Cameron, Nicole Conklin, Mandy Hood, Katie Kotter, Jenny Larsen, Stephanie Mariskanish, Kasey McHenry, Colleen Ostrander, Melissa Smith and Marci Welch; teachers Betty Gardner, Kathy Rothchild, Debbie Mariskanish and Linda Kale; chaperones Catherine Thayer, Pam Ryan, Marilyn Reavis, Lalauni Wood, Carol Toohey, Linda Matranga, Michelle Streng, Rhonda Metcalf, Deborah Uhart, Sheir Fletcher, Terri Beadling, Cindi Howard, Abha Vaidya and John Abare.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Rick Rawson and Blaine Rawson.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Werdna Conrad and Pat Williams.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Irene Davis.

Assemblyman Perkins moved that the Assembly adjourn until Friday, May 19, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 1:39 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-FOURTH DAY

CARSON CITY (Friday), May 19, 1995

Assembly called to order at 11:09 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Price, who was excused.

Prayer by the Chaplain, The Reverend Jerry Peterson.

Heavenly Father, please bless those gathered here. As the sessions drag on, give them endurance. Help them to not lose their forebearing spirit. Lord, help them to have the courage to vote their convictions in spite of the odds. May they hear Your "well done" at the end of session. Father, remind them of their obligation to You and their constituents. Remind them that they are servants and not royalty. May they be thankful that they have the privilege to live and serve in Nevada. Some of them will be traveling home this weekend. Grant to them travel mercies. Bring them back safely and refreshed on Monday. Lord, may they experience Your touch today. For we ask these things in Your grace.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 369, 459, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 182, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Joint Resolutions Nos. 35, 36, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN C. CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 612, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Education.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which were referred Assembly Bills Nos. 284, 448, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DENNIS NOLAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 39.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Humke moved that Assembly Bill No. 612 be re-referred to the Committee on Education.

Motion carried.

Assemblyman Lambert moved that Assembly Bill No. 336 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Lambert.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 632—An Act relating to liens; limiting the costs which are recoverable by a landlord who enforces a lien for unpaid rent; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 633—An Act relating to offers of judgment; requiring a court, under certain circumstances, to award interest, costs and attorney's fees if an offer of judgment made to or by two or more parties which is not apportioned is rejected; prohibiting a court from requiring a party who accepts certain offers of judgment to pay the interest, costs or attorney's fees awarded by the court if any other party fails to accept the offer of judgment; authorizing a court to vacate a judgment entered pursuant to an accepted offer of judgment if the defendant pays the amount of the offer within a reasonable time; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 39.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblyman Dini.

Assemblyman Ernaut requested that Assemblyman Dini's remarks be entered in the Journal.

Thank you, Mr. Speaker, members of the Assembly. It is, indeed, my pleasure to be able to speak on behalf of Gary Owen. Sometimes, I speak of men that were here before me, and sometimes I speak of men that were here after me. But, when you have perpetual life like me, you'll be here forever.

Gary appeared on the scene here in 1972. He was our Assembly legal advisor. Some people who come to work here immediately go to the top, just like cream on top of the milk. Gary was like that. He was an outstanding attorney; very bright and cheerful. He worked with all of us on any matter where we needed help. But, he was a super attorney when it came to environmental matters and property rights. That is where he excelled.

In the area of the Tahoe Regional Compact, he really excelled. He helped us considerably in creating the original Tahoe Compact. After he left here, he became known throughout the community as an attorney you could hire. He worked with the TRPA for one year and became an expert in that area. His counsel was sought by many people trying to learn how to work within the realms of the Interstate Compact.

Gary was a hardworking man. He was here early in the morning and late at night. His wife can attest to that. You don't find many people who are that devoted. He was honest and sincere. I'm just really proud to have known Gary and watched him develop as the expert that he was. It is a great loss to our state having him pass away. He was such a great asset to us all in the Western Nevada area. I must say my condolences to the family. My memories of him are all good. We worked together many times in areas in which we were both interested. The state will suffer at the loss of this fine gentleman. I urge you all to support this resolution. Thank you.

Resolution adopted unanimously.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Buckley, Bache, Lambert, Manendo, Tripple, Chowning, Humke, Anderson, Stroth, Ernaut, Perkins, Harrington, Schneider, Steel, Fettic, Goldwater, Ohrenschall, Freeman, Arberry, Krenzer, Braunlin, Brower, Spitler, de Braga and Williams:

Assembly Bill No. 634—An Act relating to mentally ill persons; shortening the time within which a petition for the involuntary court-ordered admission of a person into a mental health facility must be heard if the person is detained in a mental health facility at the time when the petition is filed; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblymen Giunchigliani, Arberry, Bache, Buckley, Manendo, Chowning, Anderson, Perkins, Schneider, Goldwater, Ohrenschall, Freeman, Krenzer, Spitler, Brower, de Braga, Sandoval, Dini and Williams:

Assembly Bill No. 635—An Act relating to contests of election; requiring that certain candidates whose elections have been contested be seated until the election contests are decided; revising the requirements for contesting the election of a legislator; providing the procedure for hearing and deciding a contest of election of a legislator; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 187.

Bill read third time.

Remarks by Assemblyman Allard.

Roll call on Assembly Bill No. 187:

YEAS—40.

NAYS—Giunchigliani.

Absent—Price.

Assembly Bill No. 187 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 341.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 341:

YEAS—41.

NAYS—None.

Absent—Price.

Assembly Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 356.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 356:

YEAS—41.

NAYS—None.

Absent—Price.

Assembly Bill No. 356 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 407.

Bill read third time.

Remarks by Assemblyman Harrington.
Roll call on Assembly Bill No. 407:
YEAS—41.
NAYS—None.
Absent—Price.

Assembly Bill No. 407 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 411.
Bill read third time.
Remarks by Assemblyman Buckley.
Roll call on Assembly Bill No. 411:
YEAS—41.
NAYS—None.
Absent—Price.

Assembly Bill No. 411 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 452.
Bill read third time.
Remarks by Assemblyman Chowning.
Roll call on Assembly Bill No. 452:
YEAS—41.
NAYS—None.
Absent—Price.

Assembly Bill No. 452 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 26.
Resolution read third time.
Remarks by Assemblymen Bache, Giunchigliani and Dini.
Potential conflict of interest declared by Assemblyman Bennett.
Assemblyman Anderson requested that the following remarks be entered in the Journal.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. Assembly Joint Resolution No. 26 reaffirms the legislature's vehement opposition to the permanent or interim storage of high-level radioactive waste in Nevada. The resolution also urges Congress to continue the current practice of on-site dry cask storage of high-level radioactive waste until technology is available to recycle and reuse the waste.

The committee, after taking a great deal of testimony, amended the bill, not only to state our opposition, but also to suggest a positive solution. We took care of the various problems that were raised with the bill. Thank you, very much.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of this legislation. I just want the record to show that this resolution, not like the previous resolution, is not a "free speech" bill.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. My distinguished colleague from Assembly District No. 11 has briefly summarized this resolution before you. It reaffirms this legislature's opposition to the storage of high-level radioactive waste in Nevada.

When this resolution is mentioned in future publications of the legislature or when we talk about it after the session ends, that brief summary will be all that most people hear. A few months after we've gone home, Assembly Joint Resolution No. 26 may be discounted as "only a resolution."

But, each of us here knows that Assembly Joint Resolution No. 26 is far more than just a resolution. It is far more than "reaffirmation of opposition." This resolution represents the integrity of the sovereign State of Nevada.

In 1982, the Nuclear Waste Policy Act established a national policy for the Federal Government to assume responsibility for the permanent disposal of high-level radioactive waste and spent nuclear fuel from civilian nuclear power plants. The Federal Government was also to identify the best site in the nation to develop a permanent repository.

In 1987, the Nuclear Waste Policy Act was amended to designate Yucca Mountain as the only site to be characterized for its suitability as a repository, not because it was the best site in the nation, but because of political expediency.

After 13 years of study, and over $4 billion of expenditures, the United States Department of Energy has generated little more than incomplete and questionable scientific studies. The DOE's current, very optimistic schedule is to have an operating repository by the year 2000, many years beyond the original deadline.

We've seen the work that the Department of Energy has done so far, a series of broken promises accepted by the Federal Government, because the underlying assumption has been that the repository will be built at Yucca Mountain. The underlying assumption is that nuclear waste will come to Nevada, regardless of whether Yucca Mountain is suitable; regardless whether the health, safety, economic well-being and environmental integrity of the State of Nevada is endangered.

The Federal Government has put on political blinders, refusing to acknowledge the potential for catastrophe resulting from incomplete data and short cuts.

The recent revelations about possible explosive criticality at a Yucca Mountain repository, combined with increasing recognition of the dangers of transport of nuclear waste, have caused a groundswell of public and media concern, and not only in Nevada.

In the past four months, there have been scores of editorials in newspapers throughout the country calling for a change in public policy and a rethinking of the proposed site at Yucca Mountain, or anywhere in Nevada.

Nevertheless, legislation has been introduced in Congress to require the construction and operation of an interim storage facility on the Nevada Test Site, and to direct the DOE to complete site characterization at Yucca Mountain. If Yucca Mountain is deemed suitable, this legislation would direct DOE to build the repository there.

This is not the time to permit any ambiguity about Nevada's position on the nuclear waste issue. Congress, the President, the nuclear power industry and the people and officials of other states must clearly understand that Nevada remains united in its opposition to the unfair, unscientific, and dangerous federal approach to nuclear waste management.

The recent debate, in both houses of this legislature, could easily be misrepresented by those in the nuclear power industry and their allies in Congress. They will misrepresent those debates to indicate that Nevada and its legislature is weakening in its opposition to nuclear waste storage in Nevada.

We know that this is not true. The citizens of Nevada are overwhelmingly opposed to either permanent or interim storage of nuclear waste in our state, and this legislature is equally united in its opposition.

Assembly Joint Resolution No. 26 will leave no room for doubt about where Nevada stands on the matter. This resolution sends the message, forcefully and clearly, that Nevada is not a dumping ground, not a wasteland and not a convenient political fix to the nuclear industry's problems.

The resolution also urges Congress to continue this practice of on-site radioactive waste storage until technology is available to recycle and reuse the waste. Certainly, on-site storage is the safest and most fair solution to the problem. It's an option that must be vigorously pursued, instead of following the current failed national policy.

Frequently, a past generation is blamed for having been short-sighted or unconcerned about the future. Sometimes, we jeopardize future generations in our efforts to make the present better. Sometimes, we don't know how our actions today will affect our children tomorrow.

Assembly Joint Resolution No. 26 is an unambiguous statement of this legislature's concern for the future of our state, both current and future generations. It compliments the efforts of our congressional delegation. Most important, Assembly Joint Resolution No. 26 is the voice of Nevada's citizens.

I urge my fellow colleagues to approve Assembly Joint Resolution No. 26. Thank you.

Assemblymen Ernaut, Lambert and Allard moved the previous question.

Motion carried.

The question being on the passage of Assembly Joint Resolution No. 26.

Roll call on Assembly Joint Resolution No. 26:

YEAS—39.

NAYS—Bennett, Marvel—2.

Absent—Price.

Assembly Joint Resolution No. 26 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 336.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Nolan, Giunchigliani and Lambert.

Roll call on Assembly Bill No. 336:

YEAS—41.

NAYS—None.

Absent—Price.

Assembly Bill No. 336 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Freeman moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:07 p.m.

ASSEMBLY IN SESSION

At 12:11 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Schneider, Steel and Segerblom:

Assembly Concurrent Resolution No. 37—Recognizing the square dance as the American folk dance.

Assemblyman Steel moved that the resolution be referred to the Committee on Economic Development and Tourism.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Giunchigliani, Arberry, Spitler, de Braga, Brower, Bache, Perkins, Harrington, Ohrenschall, Manendo, Chowning, Lambert, Sandoval, Anderson, Dini, Williams, Goldwater, Carpenter, Segerblom, Fettic, Steel, Braunlin, Allard and Buckley:

Assembly Bill No. 636—An Act relating to campaign practices; requiring persons who conduct certain surveys by telephone to disclose the name of the person or organization who requested the survey; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 637—An Act relating to tobacco; revising provisions governing crimes related to tobacco; imposing an annual fee for a retail cigarette dealer's license; making various other changes relating to the licensing of cigarette dealers; imposing a penalty; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 638—An Act relating to motor vehicles; prohibiting certain motor vehicles from traveling in the lane farthest to the left under certain circumstances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 119, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 536.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 366; Assembly Concurrent Resolution No. 34; Assembly Resolution No. 9.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Michael Allen Davis.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to Sherilyn Hilsabeck.

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Kathy Maxfield and Sarah Mazar.

On request of Assemblyman Chowning, the privilege of the floor of the Assembly Chamber for this day was extended to Spencer White, Sr.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Jenny Care.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Elaine Owen, Robb Owen, Anzel and Inez Owen, Geanie and Garth Eaton and John and Carolyn McLain.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Sharon Hanlon and Kitty Kinkade.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Denise Cooper and Kim Alberro.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Anderson Elementary School: Kyle Bailey, Jeanne Batiste, Adriana Broadway, Jennifer Deleon, Ashleigh Figearo, Cameron Garcia, Mark Goulart, Kristen Harris, Isabel Hinojos, Megan Houck, Misty Jordan, Preshay Knight, Heather Larson, Sara Miranda, Carolina Moreno, Krystal Perry, Ricky Ramirez, Joseph Rogers, Stacia Sawyer, Brittney Smalley, Anmol Solomon, Christopher West, Erica Wiesle, Leanna Ashbaugh, Saul Becerra, Michelle Bryant, Nancy Chavez, Simon Garcia, Brittany Hooks, Veronica

Martinez, Angela Mathews, Deon Moore, Jennifer Obrien, Maria Obrien, Tyson Perryman, Jedidiah Taylor, Beatriz Tristan, Trina Walker, Danny Whitlock, Nicholas Wilcox, Johnna Wright, Angela Anderson, Paige Andrade, Elvia Barajas, Roxanna Brooks, Lyric Burt, Naghtyali Gutierrez, Victoria Hames, Angela Hernandez, Javier Martinez, Skylar Maxwell, Sandra Medellin, Eder Morales, Elvis Perez, Rocky Ramirez, Paul Shaver, Jeremy Shupe, Matthew Soltani, Kyle Solvang, Hannah Story, Elizabeth Tinson, Kloeteal Tolbert and Maganda Walton; teachers Kathleen Manfield, Kari Newberg and Mrs. Best.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Tommy Rocker.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Susan Dugan and Mary Bochanis.

Assemblyman Ernaut moved that the Assembly adjourn until Monday, May 22, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:18 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-SEVENTH DAY

CARSON CITY (Monday), May 22, 1995

Assembly called to order at 11:06 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Mark Demel.

Gracious and loving God, good government is a gift from You. Use the members of this Assembly as Your instruments to implement and provide such government for the citizens of this state. Give to each of them high moral standing, personal integrity and a humble heart. May their desire always be to serve You and their fellow man. Be with them and those they serve. Bless the proceedings of this day. In Jesus' Name, I pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 538, 555, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 514; Senate Bill No. 15, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 19, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 35.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 273, 375, 423, 469.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 83, 190, 303, 309, 370, 385, 386.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 639—An Act making an appropriation to the department of education for a pilot program for certain preschool and kindergarten children who are at risk of failure in school; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblyman Bache (by request):

Assembly Bill No. 640—An Act relating to crimes; revising the provisions governing the unlawful taking of a vehicle; providing penalties; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 641—An Act relating to taxicab motor carriers; authorizing incorporated cities to regulate the qualifications of employees of certain taxicab motor carriers and the method by which such carriers calculate fares; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 642—An Act relating to public utilities; providing for the perfection and for notice of security interests in the property of public utilities separately from the Uniform Commercial Code; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 643—An Act relating to traffic laws; revising the provisions governing the testing of a driver's breath, urine or blood for the purpose of determining the alcoholic content or the presence of a controlled substance in his breath or blood; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 644—An Act relating to greyhound racing; permitting greyhound racing at certain locations in larger counties; imposing a fee and requiring reimbursement of the cost of regulating the conducting of such racing with pari-mutuel wagering; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 83.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 190.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 273.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 303.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 309.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 370.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 375.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 385.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 386.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Senate Bill No. 423.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 469.

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

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 645—An Act relating to healing arts; authorizing an unlicensed personal assistant to provide certain services to a person with a disability under certain circumstances; exempting such personal assistants from certain licensing requirements applicable to other providers of health care; and providing other matters properly relating thereto.

Assemblyman Monaghan moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 284.

Bill read second time.

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

Amendment No. 515.

Amend section 1, page 1, by deleting lines 7 through 12 and inserting:

"2. *If employees have entered into an agreement to divide any tips or gratuities bestowed upon them, it is unlawful for their employer to:*

(a) Determine which employees are eligible to receive an allocation of tips from the shared pool of tips or gratuities; or

(b) Require that particular employees receive an allocation of those shared tips or gratuities,

unless the provisions of an applicable collective bargaining agreement authorize the employer to make such a determination or requirement.

3. Nothing contained in this section shall be construed to prevent such employees from entering into an agreement to divide such tips or gratuities among themselves.".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblyman Krenzer.

Potential conflict of interest declared by Assemblyman Steel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 369.

Bill read second time.

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

Amendment No. 415.

Amend sec. 2, page 1, line 23, after the period by inserting: "*The governing body may only authorize the hearing examiner to take final action on matters relating to variances.*".

Amend the summary of the bill to read as follows:

"Summary—Authorizes governing body to direct hearing examiner to take final action on matters relating to variances. (BDR 22-757)".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 448.

Bill read second time.

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

Amendment No. 367.

Amend sec. 2, page 1, line 6, by deleting "1997." and inserting: "1997, if, on or before December 1, 1996, the governor declares that sufficient federal funding has been made available to the State of Nevada to support the program set forth in section 1 of this act.".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblyman Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 459.

Bill read second time.

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

Amendment No. 393.

Amend sec. 5, page 3, line 5, by deleting the semicolon and inserting ". [;]".

Amend sec. 5, page 3, line 6, by deleting "; and" and inserting: ". [; and".

Amend sec. 5, page 3, line 7, by deleting the bracket.

Amend sec. 5, page 3, line 10, by deleting "capital.] *Discharged*" and inserting: "capital.]

(c) Discharged".

Amend sec. 5, page 3, between lines 15 and 16, by inserting:

"*(d) Selected at least two plans from separate and distinct providers from which the participants in the program may choose.*

(e) Solicited proposals from qualified providers of plans in January of each odd-numbered year.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 35.
Resolution read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 36.
Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 119.
Bill read second time and ordered to third reading.

Senate Bill No. 182.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Assembly Bill No. 204 be taken from the Chief Clerk's desk and placed on the General File.
Remarks by Assemblyman Williams.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 210.
Bill read third time.
Remarks by Assemblymen Evans, Spitler, Giunchigliani, Arberry, Steel, Freeman, Close, Tiffany and Marvel.
Assemblymen Ernaut, Hettrick and Allard moved the previous question.
Motion carried.
The question being on the passage of Assembly Bill No. 210.
Roll call on Assembly Bill No. 210:
YEAS—30.
NAYS—Bache, Braunlin, Brower, Buckley, Giunchigliani, Goldwater, Manendo, Ohrenschall, Schneider, Spitler, Stroth, Tiffany—12.

Assembly Bill No. 210 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 367.
Bill read third time.
Remarks by Assemblyman Buckley.
Roll call on Assembly Bill No. 367:
YEAS—42.
NAYS—None.

Assembly Bill No. 367 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 503.
Bill read third time.
Remarks by Assemblyman Monaghan.

Roll call on Assembly Bill No. 503:

YEAS—42.

NAYS—None.

Assembly Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 525.

Bill read third time.

Remarks by Assemblymen Segerblom and Close.

Roll call on Assembly Bill No. 525:

YEAS—38.

NAYS—Bennett, Brower, Harrington, Steel—4.

Assembly Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 204.

Bill read third time.

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

Amendment No. 591.

Amend section 1, page 1, by deleting line 14 and inserting: "*first commissioner appointed after the authority has provided assistance to at least five persons must be a*".

Amend section 1, page 1, line 17, after "*projects.*" by inserting: "*If no such organization exists, the commissioner must be selected from a list of nominees submitted for this purpose from persons who currently receive assistance from the authority.*".

Amend sec. 3, page 2, line 42, after "*authority.*" by inserting: "*If no such organization exists, the commissioner must be selected from a list of nominees submitted for this purpose from persons who currently receive assistance from the authority.*".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 185.

The following Senate amendment was read:

Amendment No. 278.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 2, page 1, by deleting lines 21 and 22 and inserting: "violation of NRS 484.348, and no person intentionally".

Amend sec. 3, page 2, lines 3 and 4, by deleting: "*pursuant to subsection 1 of NRS 200.070*".

Amend sec. 3, page 2, line 8, by deleting "[2.]" and inserting "2.".

Amend sec. 3, page 2, by deleting lines 10 through 13 and inserting: "slaughter, the crime shall for all purposes be deemed a gross misdemeanor.".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 185.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 536; Senate Bills Nos. 139, 296; Senate Concurrent Resolutions Nos. 35, 36.

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

Assembly in recess at 11:55 a.m.

ASSEMBLY IN SESSION

At 12:11 p.m.

Mr. Speaker presiding.

Quorum present.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Gloria Jean Denio.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Fernley Elementary School: Melissa Allshouse, Wesley Brown, Tyler Cromack, Chanel Duran, Travis Finkle, Christopher Fonner, Kassie Baker (Vaughan), David Bosomworth, Chris Cantwell, Marc Ghiringhelli, Shianne Love, Nicole Mitchell, Brendon Paine, Douglas Platt, Aaron Shindoll, Michael Stolting, Tom Allen, Katie Berhorst, Kori Bredengerd, Michael Brown, Kerry Carlson, Barbara Carver, Jeremy Craig, George Foster, Alisha Franklin, Clay Haworth, Jolene Kirby, David Lance, Stephanie Moore, Rebecca Parks, Tamara Pierson, Timothy Reeder, Matthew Weakland, Brian Burch, Cindy Burch, Linda Brendengerd, Jeri Franklin, Cindy Moore, John Borda, Arlett Dominguez, John Gann, Kristopher Little, Ryan Martin, Heather Morton, Angela Wallick, Hilary Wortman, Kevin Bumgartner, Robert Carpenter, Jr., Eduardo Echeveria, Danielle Long, Rachel Shaw, Devon Murdock, Lysana Davis, Ana Fernandez, Emerald Muir, Hannah Skaggs, Carolina Villa, T. J. Weatherman, Brandi Harris, Matthew Hartley, Josh Keirn, Matt Lupold, Mike Moresi, Casey Allen, Bobby Haley, Raveon Harrowa, Amanda Keirn, Karlie Knighton, Tyler

Maxwell, Tony Selden, Pete Borda, Sean Chisum, John Cox, IV, Joshua Lehman, Rebecca Smith and Michelle Teeter; teachers Sandra Curtis, Sandra Burton, David Ghiringhelli and Fran Rhyno; chaperone Jamie Brown.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Carson Middle School: Tara Cinani, Gloria Denio, Cassie Kastens, Kali Richey, Na My Ly, Brandy Moore, Carissa Blashaw, Leah Brekken, Brooke Yerke, K. C. Cassillas, Amy Vasquez, Devon Smiley, Ray Berber, Moura Crouke, Lisa Pendleton, Heidi Russell, Tammy Babb, Kelly Jostens, Matthew Knaus and Nick Adrian; teacher Bonnie Parnell; chaperone Jean Kvam.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Baldi, Alexandra Steiner, Michael Steiner, Cheri Price Steiner and Shirley Price.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, May 23, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:14 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-EIGHTH DAY

CARSON CITY (Tuesday), May 23, 1995

Assembly called to order at 11:10 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Nolan, who was excused.

Prayer by the Chaplain, The Reverend Mark Demel.

Eternal God, give all gathered here the ability this day to simply do that which is right. Enable these assembled officials to set aside any personal or selfish goals and ambitions and act in a way that is pleasing to You and beneficial for Your people. Throughout this day, remind them that they are Your servants, as well as servants of this state and this nation. Hear our prayer, and bless these proceedings, in the Name of Your Son, our Lord.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 272, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

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

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Economic Development and Tourism, to which was referred Assembly Bill No. 533, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DIANNE STEEL, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 63, 141, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 188, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 410; Senate Bill No. 90, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. CARPENTER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 22, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 3.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 226, 337, 344, 417, 424.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 23 of the 67th Session.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Assembly Bill No. 134 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Giunchigliani moved that Senate Bill No. 278 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Spitler moved that Assembly Bill No. 343 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Bennett moved that Assembly Bill No. 368 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 646—An Act relating to juveniles; making various changes to the procedure in juvenile cases regarding the filing of petitions, the admissibility of evidence, the time allowed for final disposition and the issuance of subpoenas; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Brower, Close, Giunchigliani, Spitler, Price, Dini, Nolan, Neighbors, Stroth, Chowning, Steel, Buckley, Ohrenschall, Monaghan, Arberry, Hettrick, Fettic, Tiffany, Perkins, Allard, Sandoval, Tripple, Manendo, Humke, Batten, Ernaut, Anderson, Lambert, Bennett, Schneider, Bache and de Braga:

Assembly Bill No. 647—An Act relating to insurance; requiring a health maintenance organization to enter into a contract with a provider of a health care service to provide a limited service or course of care to an insured under certain circumstances; requiring a health maintenance organization to pay for a medical supply or device purchased by a supplier who has not entered into a contract with the organization under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Brower moved that the bill be referred to the Committee on Commerce.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 469; Senate Bill No. 286, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 226.

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

Motion carried.

Senate Bill No. 337.

Assemblyman Ernaut moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 344.

Assemblyman Ernaut moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 417.

Assemblyman Ernaut moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 424.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 23 of the 67th Session.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Assemblyman Bache moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:24 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 421.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 584.

Amend section 1, page 1, line 7, by deleting "*23*" and inserting "*9*".

Amend the title of the bill, second line, by deleting "gas;" and inserting: "gas and compressed natural gas;".

Amend the summary of the bill, first line, by deleting: "liquefied petroleum gas." and inserting "special fuels.".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 514.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 538.

Bill read second time.

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

Amendment No. 524.

Amend the bill as a whole by deleting sections 1 through 6 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. 1. There is hereby created a legislative committee to study state regulations, consisting of seven members of the legislature appointed by the legislative commission.

2. As soon as practicable after the adjournment sine die of the 68th session of the legislature, the legislative commission shall appoint the members of the committee and designate the chairman and vice chairman.

3. The terms of the members of the committee expire on June 30, 1997. A vacancy on the committee must be filled for the remainder of the unexpired term in the same manner as the original appointments.

Sec. 2. 1. The legislative committee to study state regulations shall meet at the times and places specified by a call of the chairman or a majority of the committee.

2. The members of the committee are, except during a regular or special session of the legislature, entitled to receive out of the legislative fund the per diem expense allowances provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

3. The legislative counsel bureau shall provide the committee with such administrative and clerical support as the committee requires to carry out its duties.

Sec. 3. The legislative committee to study state regulations shall:

1. Examine the relative authority and activities of agencies of the Federal Government, the state and local governments, regarding the adoption of regulations.

2. Assess the various direct and indirect costs incurred by different types of businesses to comply with existing state regulations, including the payment of fees to state agencies, and the extent to which those costs are paid by persons who purchase goods and services from businesses.

3. Determine the effect of existing state regulations on Nevada's efforts to promote economic development.

4. Consider the desirability of legislation to require an analysis of all proposed state regulations by:

(a) The department of administration to determine the costs of compliance.

(b) The commission on economic development to determine their potential effect on economic development, including their effect on the attraction and retention of business and on the attraction of capital.

5. Consider possible methods to:

(a) Reduce the number and complexity of state regulations.

(b) Decrease the number of state agencies authorized to adopt regulations regarding similar subjects.

(c) Consolidate the assessment and collection of fees imposed by state regulations.

6. Recommend to the 69th session of the legislature any proposals for legislation the committee deems appropriate regarding the adoption of state regulations.

Sec. 4. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to administrative regulations; creating the legislative committee to study state regulations and prescribing its duties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Creates legislative committee to study state regulations. (BDR S-191)".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Assemblyman Lambert moved that Assembly Bill No. 538 be re-referred to the Committee on Elections and Procedures.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Elections and Procedures.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bennett moved that Assembly Bill No. 368 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 555.

Bill read second time.

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

Amendment No. 590.

Amend section 1, page 1, by deleting lines 20 through 25 and inserting: "and special use vehicles. The *state board of examiners, on or before July 1 of each year, shall establish the rate of the* allowance for travel by private conveyance . [is 27 cents per mile traveled, except that if] *The rate must equal the standard mileage reimbursement rate for which a deduction is allowed for the purposes of federal income tax that is in effect at the time the annual rate is established. If* a private conveyance is used for reasons of personal convenience in transaction of state business, the allowance for travel is [15 cents per mile traveled.] *one-half the established rate.*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 15.

Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 184, 221, 248, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 247, 249, 250, 251, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 308, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Anderson, Carpenter, Monaghan, Manendo, Williams, Goldwater, Humke, Segerblom, Spitler, Sandoval, Dini, Evans, de Braga, Schneider, Harrington, Price, Perkins, Batten, Allard, Stroth, Close, Fettic, Ohrenschall, Freeman, Krenzer, Arberry, Marvel, Giunchigliani, Bache, Lambert and Tripple:

Assembly Bill No. 648—An Act relating to criminal law; providing particularly for certain categories of willful or malicious mischief; providing for the revocation of drivers' licenses and the forfeiture of vehicles in certain circumstances; imposing certain liabilities upon the parents and guardians of minors; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Anderson, Monaghan, Manendo, Williams, Buckley, Goldwater, Humke, Segerblom, de Braga, Evans, Dini, Spitler, Schneider, Price, Chowning, Batten, Tripple, Bache, Fettic, Ohrenschall, Giunchigliani and Krenzer:

Assembly Bill No. 649—An Act relating to real estate; providing for the certification of inspectors of real estate by the real estate division of the department of business and industry; imposing a fee; providing penalties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Commerce.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 35.

Resolution read third time.

Remarks by Assemblymen Carpenter, Buckley and Bennett.

Roll call on Assembly Joint Resolution No. 35:

YEAS—40.

NAYS—Freeman.

Absent—Nolan.

Assembly Joint Resolution No. 35 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Joint Resolution No. 36.

Resolution read third time.

Remarks by Assemblyman de Braga.

Roll call on Assembly Joint Resolution No. 36:
YEAS—40.
NAYS—Freeman.
Absent—Nolan.

Assembly Joint Resolution No. 36 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 119.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 119:
YEAS—41.
NAYS—None.
Absent—Nolan.

Senate Bill No. 119 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 182.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Senate Bill No. 182:
YEAS—41.
NAYS—None.
Absent—Nolan.

Senate Bill No. 182 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 134.

Bill read third time.

The following amendment was proposed by Assemblymen Arberry and Giunchigliani:

Amendment No. 564.

Amend section 1, page 2, line 10, by deleting "*written evidence,*" and inserting: "*a written acknowledgment,*".

Amend section 1, page 2, line 13, after the period by inserting: "*The acknowledgment required pursuant to this paragraph must be on a form developed, printed and distributed at no charge by the attorney general.*".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. This act becomes effective:

1. Upon passage and approval for all purposes related to the development, printing and distribution by the attorney general of the form for the acknowledgment required pursuant to the amendatory provisions of subsection 2 of section 1 of this act.

2. On October 1, 1995, for all other purposes.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Carpenter, Price and Humke.

Conflict of interest declared by Assemblyman Buckley.

Assemblymen Bache, Bennett and Giunchigliani moved the previous question.

Motion carried.

The question being on the motion to adopt Amendment No. 564 to Assembly Bill No. 134.

Assemblymen Giunchigliani, Perkins and Bache requested a roll call on Assemblyman Giunchigliani's motion.

Roll call on Assemblyman Giunchigliani's motion:

YEAS—20.

NAYS—Allard, Bennett, Braunlin, Brower, Carpenter, Close, Ernaut, Harrington, Humke, Lambert, Marvel, Monaghan, Neighbors, Schneider, Steel, Stroth, Tiffany, Tripple, Mr. Speaker Dini, Mr. Speaker Hettrick—20.

Absent—Nolan.

Not voting—Buckley.

The motion having failed to receive a majority, Mr. Speaker declared the amendment lost.

Remarks by Assemblymen Carpenter, Goldwater, Giunchigliani and Steel.

Assemblymen Ernaut, Allard and Lambert moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 134.

Roll call on Assembly Bill No. 134:

YEAS—23.

NAYS—Arberry, Bache, Batten, Chowning, Close, de Braga, Evans, Freeman, Giunchigliani, Goldwater, Krenzer, Manendo, Ohrenschall, Perkins, Segerblom, Spitler, Williams—17.

Absent—Nolan.

Not voting—Buckley.

Assembly Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 134 was this day passed.

GENERAL FILE AND THIRD READING

Senate Bill No. 278.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani and Spitler:

Amendment No. 599.

Amend section 1, page 1, between lines 7 and 8, by inserting:

"3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after the completion of the project and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 2, page 1, by deleting lines 8 through 11 and inserting:

"Sec. 2. 1. The state board of examiners shall issue general obligation bonds of the State of Nevada in the face amount of not more than $6,982,015 to be allocated to the project numbered and described in the executive budget for fiscal years 1995-96 and 1996-97 or otherwise described as Project No. 95-G1, Men's Prison No. 7, Phase I, design core facilities and 1,000 bed housing unit and site planning and design, at the same time or times as other bonds are issued for the other capital projects approved by the 68th session of the Nevada legislature.

2. The state controller may advance temporarily from the state general fund to the state public works board, until the date on which the bonds authorized by subsection 1 are sold, amounts necessary to facilitate the start of Project No. 95-G1. The state controller shall not advance more than the face amount of the bonds authorized to be issued pursuant to subsection 1. The advanced amounts must be repaid immediately to the state general fund upon the sale of the bonds.".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. The director of the department of prisons shall, to the extent of legislative appropriations and authorizations, enter into contracts in accordance with the provisions of chapter 573, Statutes of Nevada 1991, at page 1893, for the construction and operation of a new correctional facility for women in southern Nevada.

Sec. 4. Section 1 of chapter 573, Statutes of Nevada 1991, at page 1893, is hereby amended to read as follows:

"Section 1. As used in this act, unless the context otherwise requires:

1. "Contractor" means a person with a contractual agreement with the department to provide correctional services to prisoners at the facility.

2. "Correctional services" includes the following functions, services and activities when provided with regard to the facility:

(a) The operation of the facility, including management, custody of prisoners and security.

(b) Services for food, medical attention, transportation and sanitation, a commissary and other ancillary services.

(c) Development and implementation of systems for classification, management and information and other similar services.

(d) Education, training and programs for employment.

(e) Counseling, treatment programs and other programs for the special needs of the prisoners.

3. "Department" means the department of prisons.

4. "Director" means the director of the department of prisons.

5. "Facility" means [the women's minimum security] *a women's* correctional facility proposed for construction in [Las Vegas,] *southern*

Nevada, including any physical improvement, any preliminary plan, study or survey related thereto, the land or the right to land, and any furnishings, machines, vehicles, apparatus or equipment used in connection therewith."

Amend the title of the bill to read as follows:

"An Act relating to prisons; making an appropriation to the state public works board for the design of Phase II of the Lovelock Correctional Center; providing for the issuance of bonds and the temporary advance of money to expedite Phase I of the Men's Prison No. 7; requiring, under certain circumstances, the department of prisons to enter into contracts for the construction and operation of a new correctional facility for women; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriation for design of Phase II of Lovelock Correctional Center, provides for issuance of bonds and temporary advance for Phase I of Men's Prison No. 7 and requires department of prisons to contract for construction and operation of new facility for women. (BDR S-1776)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Tiffany and Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 343.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 551.

Amend section 1, page 1, by deleting lines 4 through 10 and inserting: "*tions upon the property report, permit, partial registration, exemption or license issued pursuant to this chapter of a developer at any time if:*

1. The developer obtained the property report, permit, partial registration, exemption or license by false or fraudulent representation; or

2. The developer violates any of the terms or conditions of the property report, permit, partial registration, exemption or license, the provisions of this chapter or the regulations adopted pursuant thereto.

The administrator shall not impose a fine of more than $5,000 pursuant to this section."

Assemblyman Allard moved the adoption of the amendment.

Remarks by Assemblyman Allard.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 306.

The following Senate amendment was read:

Amendment No. 383.

Amend section 1, page 1, line 10, after "*of*" by inserting "*legal*".

Assemblyman Stroth moved that the Assembly concur in the Senate amendment to Assembly Bill No. 306.

Remarks by Assemblyman Stroth.

Motion carried.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 41, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for the further consideration of the measure.

RICHARD PERKINS	JON C. PORTER
JOHN C. CARPENTER	O. C. LEE
DAVID E. GOLDWATER	MAURICE E. WASHINGTON
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Perkins moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 41.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Humke, Buckley and Sandoval as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 41.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Concurrent Resolution No. 35; Senate Concurrent Resolution No. 39.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Dorothy Guralnik, Vivian Hurlbert, Kitty Duarte, Loretta Jones, Lori Sanchez, B. J. Hetrick, Bobbie Jean Denny, Maggie Latimore and Edna Herrera.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Glenn A. Hare Center: Shawn Anderson, Rachel Bennet, Sadie Bonnette, Chris Davis, Mark Gardiner, Clinton Hibbs, Jonique Housley, Cara La Fleur, Rhianna McCollum, Arvin Mendoza, Steven Way, Dan Weinholz, Tanya Evenson, Robert Farmer, Chayo Jones, Peter Louvat, Rosa Rodriguez, Lindsay Stampfli, Bill Watson, Tony Anglopoulos, Jeremy Barry, Tony Battancourt, Megan McCufferty, Randel Rodriguez, Sally Sanders, Emily Sprague, Christopher Tonner and Dylan Breslin; teacher Richard Rossi; chaperones Carol Chapin and Ed Jensen.

Assemblyman Ernaut moved that the Assembly adjourn until Wednesday, May 24, 1995 at 11 a.m., and that it do so in memory of Sparks Police Officer Larry Johnson.

Motion carried.

Assembly adjourned at 12:44 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND TWENTY-NINTH DAY

CARSON CITY (Wednesday), May 24, 1995

Assembly called to order at 11:19 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Mark Demel.

Dear Father, we pause to simply thank You for this moment in time. You have safely brought us through the night and continue to bless us throughout this day. Help us to focus on the issues at hand. Renew our zeal and give us the strength and the courage to carry out the tasks set before us. Guide the Assembly of this state through the various matters that they face, that much might be accomplished that is truly good, right and beneficial. In Jesus' Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 603, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Joint Resolution No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 554, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDI KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 547, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA TIFFANY, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 333, 486; Senate Bill No. 186, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Concurrent Resolution No. 31, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 23, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 49, 59, 133, 156, 163, 164, 183, 233, 235, 263, 295, 296, 344, 357.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 19, 25.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 447, 475.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 314, 323, 332, 357.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 41 and requests a second conference, and appointed Senators James, McGinness and Adler as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 41.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 38—Directing the Legislative Commission to conduct an interim study concerning the management of housing programs in Nevada.

Assemblyman Lambert moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 39—Designating the Director of the Legislative Counsel Bureau as the energy retrofit coordinator for the buildings occupied by the legislative branch of government.

Assemblyman Giunchigliani moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Assemblyman Bennett moved that Assembly Bill No. 368 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Remarks by Assemblyman Bennett.

Motion carried.

In compliance with a notice given on a previous day, Assemblyman Anderson moved that the vote whereby Assembly Bill No. 134 was passed be reconsidered.

Assemblymen Humke, Ernaut and Perkins requested a roll call on Assemblyman Anderson's motion.

Roll call on Assemblyman Anderson's motion:

YEAS—22.

NAYS—Allard, Bennett, Braunlin, Brower, Carpenter, Ernaut, Fettic, Harrington, Humke, Lambert, Marvel, Monaghan, Nolan, Sandoval, Steel, Stroth, Tiffany, Tripple, Mr. Speaker Hettrick—19.

Not voting—Buckley.

The motion having received a majority, Mr. Speaker declared it carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:27 a.m.

ASSEMBLY IN SESSION

At 11:44 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 244; Senate Bill No. 149, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 237, 240, 241, 254, 316; Senate Bill No. 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 650—An Act relating to children; requiring a court to designate the country of habitual residence of a child and specify that the terms of the Hague Convention apply under certain circumstances in a

custody decree; requiring a court in a child custody case to require a parent who has significant commitments in a foreign country to post a bond; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Bill No. 651—An Act relating to elections; providing a procedure for the use of mechanical recording devices which directly record votes electronically during the period for early voting; requiring the use of a paper ballot or ballot which is voted by punching a card for a voter who has been challenged; establishing requirements for mechanical recording devices which directly record votes electronically; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 652—An Act relating to wildlife; authorizing the issuance of an elk tag to an owner, lessee or manager of private land as compensation for damage caused by elk; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 653—An Act relating to health care; requiring the state welfare administrator to include in the state plan for assistance to the medically indigent coverage for the transplant of a person's heart under certain circumstances; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Williams, Neighbors, Arberry, Price, Perkins, Krenzer, Bennett, Segerblom, Carpenter, Buckley, Batten, Spitler, Manendo, Schneider, Bache and Chowning:

Assembly Bill No. 654—An Act relating to materialmen's liens; limiting the lien of a materialman; and providing other matters properly relating thereto.

Assemblyman Williams moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 314.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 323.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Assembly Bill No. 307 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Carpenter.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 332.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 357.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 447.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 475.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 655—An Act relating to the state executive department; converting the housing division of the department of business and industry into the Nevada housing agency; providing that the housing agency is exempt from certain provisions relating to public records, public meetings, public purchasing and public finances; providing that the housing agency is to be subject to audit by the legislative auditor; and providing other matters properly relating thereto.

Assemblyman Spitler moved that the bill be referred to the Committee on Commerce.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 184.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 603.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 221.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 602.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. There is hereby appropriated from the state general fund to the employee-management relations board created pursuant to NRS 288.080 the sum of $877 for office equipment.".

Amend sec. 2, page 1, line 4, after "section 1" by inserting "or 2".

Amend the title of the bill to read as follows:

"An Act relating to state government; making an appropriation to the real estate division of the department of business and industry for telephone and computer upgrades; making an appropriation to the employee-management relations board for certain office equipment; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, to read as follows: "and to employee-management relations board for certain office equipment. (BDR S-1508)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 247.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 248.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 601.

Amend section 1, page 1, line 3, by deleting "$175,942" and inserting "$170,617".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 249.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 250.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 251.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 319.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 528.

Amend sec. 2, page 1, by deleting lines 13 through 17 and inserting: "at all stages of the proceedings. If [an] *indigent, the parent, guardian or custodian of the child may request the appointment of an attorney to represent the child pursuant to the provisions in NRS 171.188. If not indigent and:*

1. An attorney is not retained for the child [, or if it] *; or*

2. It does not appear that an attorney will be retained,

an attorney must be appointed for the child, unless waived.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 410.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 469.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 527.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section, designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If after a conviction for murder a judgment of death has been pronounced, each member of the immediate family of the victim who is 21 years of age or older may submit a written request to the director to be informed of the time, date and place scheduled for the execution of the sentence of death. The request for notification may be accompanied by a written request to attend or nominate a representative to attend the execution.

2. As used in this section, "immediate family" means persons who are related by blood, adoption or marriage, within the second degree of consanguinity or affinity.".

Amend section 1, page 1, by deleting lines 13 through 19 and inserting:

"(d) *Notify those members of the immediate family of the victim who have, pursuant to section 1 of this act, requested to be informed of the time, date and place scheduled for the execution.*

(e) Invite a competent physician *, the county coroner, a psychiatrist* and not less than six [nor more than nine] reputable citizens over the age of 21 years [,] to be present at the execution. *The director shall determine the maximum number of persons who may be present for the execution. The director shall give preference to those eligible members or representatives of the immediate family of the victim who requested, pursuant to section 1 of this act, to attend the execution.*".

Amend the title of the bill, first line, by deleting "witness" and inserting: "request to be notified of and attend".

Amend the summary of the bill, first line, by deleting "witness" and inserting: "request to be notified of and attend".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 531.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 533.

Bill read second time.

The following amendment was proposed by the Committee on Economic Development and Tourism:

Amendment No. 598.

Amend section 1, page 2, line 14, by deleting "*Hiko*" and inserting "*Crystal Springs*".

Amend the preamble of the bill, page 1, line 2, by deleting "Hiko" and inserting "Crystal Springs".

Assemblyman Steel moved the adoption of the amendment.

Remarks by Assemblymen Steel, Carpenter and Neighbors.

Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 63.
Bill read second time and ordered to third reading.

Senate Bill No. 90.
Bill read second time and ordered to third reading.

Senate Bill No. 141.
Bill read second time and ordered to third reading.

Senate Bill No. 188.
Bill read second time.
The following amendment was proposed by the Committee on Transportation:
Amendment No. 484.
Amend section 1, page 1, line 7, by deleting "*contains*" and inserting: "*is inscribed with the word SAMPLE and*".
Amend section 1, page 1, line 17, by deleting "*displays*" and inserting: "*is inscribed with the word SAMPLE and*".
Assemblyman Chowning moved the adoption of the amendment.
Remarks by Assemblyman Chowning.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 272.
Bill read second time.
The following amendment was proposed by the Committee on Taxation:
Amendment No. 523.
Amend sec. 2, page 2, line 17, by deleting "*$25*" and inserting "*$50*".
Amend sec. 2, page 2, line 21, by deleting "*$25*" and inserting "*$50*".
Assemblyman Stroth moved the adoption of the amendment.
Remarks by Assemblyman Stroth.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 286.
Bill read second time.
The following amendment was proposed by the Committee on Judiciary:
Amendment No. 436.
Amend sec. 2, page 2, by deleting lines 18 and 19 and inserting:
"4. *If a person solicits another person to allow the soliciting person to file a declaration of homestead on behalf of the other person and charges or accepts a fee or other valuable consideration for recording the declaration of homestead for the other person, the soliciting person shall, before the*".
Amend the title of the bill, second line, after "requiring" by inserting: ", under certain circumstances,".
Assemblyman Anderson moved the adoption of the amendment.
Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 368.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 487.

Amend sec. 3, page 3, by deleting lines 30 through 40 and inserting: "supplemental evaluation during the trial year] *A probationary employee who receives an unsatisfactory evaluation may request a supplemental evaluation* by another administrator in the school district selected by him and the superintendent. If a school district has five or fewer administrators, the supplemental evaluator may be an administrator from another school district in the state. *If a probationary employee has received during the first school year of his probationary period three evaluations which state that the employee's overall performance has been satisfactory, the superintendent of schools of the school district or his designee shall waive the second year of the employee's probationary period by expressly providing in writing on the final evaluation of the employee for the first probationary year that the second year of his probationary period is waived. Such an employee is entitled to be a postprobationary*".

Amend sec. 3, page 3, by deleting line 48 and inserting: "*administrator shall be deemed to be a probationary employee for the purposes of this section and must serve a 2-year probationary period as an administrator in accordance with the provisions of this section. If the administrator does not receive an unsatisfactory evaluation during the first year of probation, the superintendent or his designee shall waive the second year of the administrator's probationary period. Such an administrator is entitled to be a postprobationary employee in the ensuing year of employment.* If".

Amend sec. 3, page 4, line 6, by deleting "*2-year*".

Amend sec. 3, page 4, by deleting lines 7 and 8 and inserting: "*pursuant to subsection 5 and is thereafter promoted to the position of principal must serve an additional probationary period of 1 year in the position of principal. If the*".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Price moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:26 p.m.

ASSEMBLY IN SESSION

At 12:33 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 656—An Act relating to taxation; extending the exemption from taxation for veterans of the Persian Gulf Crisis to all veterans who served on active duty during the crisis; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 204.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Assembly Bill No. 204:

YEAS—42.

NAYS—None.

Assembly Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 284.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Assembly Bill No. 284:

YEAS—42.

NAYS—None.

Assembly Bill No. 284 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 308.

Bill read third time.

Remarks by Assemblymen Anderson, Arberry and Humke.

Roll call on Assembly Bill No. 308:

YEAS—42.

NAYS—None.

Assembly Bill No. 308 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 369.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 369:

YEAS—42.

NAYS—None.

Assembly Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 448.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 448:

YEAS—42.

NAYS—None.

Assembly Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 459.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 459:

YEAS—42.

NAYS—None.

Assembly Bill No. 459 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 514.

Bill read third time.

Remarks by Assemblyman Arberry.

Potential conflict of interest declared by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 514:

YEAS—42.

NAYS—None.

Assembly Bill No. 514 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 15.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 15:

YEAS—41.

NAYS—None.

Not voting—Price.

Senate Bill No. 15 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 134.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Carpenter, Harrington, Goldwater, Humke, Ernaut and Hettrick.

Potential conflict of interest declared by Assemblyman Buckley.

Assemblymen Perkins, Ernaut and Marvel moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 134.

Roll call on Assembly Bill No. 134:

YEAS—22.

NAYS—Arberry, Bache, Batten, Chowning, de Braga, Evans, Freeman, Giunchigliani, Goldwater, Krenzer, Manendo, Neighbors, Ohrenschall, Perkins, Price, Segerblom, Spitler, Williams, Mr. Speaker Dini—19.

Not voting—Buckley.

Assembly Bill No. 134 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 306; Assembly Concurrent Resolution No. 3.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Judy Brinker.

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Stacia Zinkevich.

On request of Assemblyman Bache, the privilege of the floor of the Assembly Chamber for this day was extended to Jullisa Whitney.

On request of Assemblyman Bennett, the privilege of the floor of the Assembly Chamber for this day was extended to Meridith Walchar.

On request of Assemblyman Buckley, the privilege of the floor of the Assembly Chamber for this day was extended to Ashley Goff.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Gordon.

On request of Assemblyman de Braga, the privilege of the floor of the Assembly Chamber for this day was extended to Travis Draney and the following students from E. C. Best Elementary School: Darren Albury, Milissa Allen, Glenda Almanza, Melissa Bernard, Andrew Bonilla, Amy Burch, Kari Cross, Eric DeSoto, Savannah Ellifritz, John Greenwood, Kami Humphrey, Matt Jacks, Clayton King, Nicole Madison, Michael Nicolas, Sheena Owens, Jenny Petty, Kristopher Phillips, Jorge Ponce, Jennifer Santio, James Walker, Patrick Watson, Dean Wilcox, Jessica Willcuts, Cory Woods, Stephanie Bradley, Amanda Brown, Cody Cann, Camille Chealander, Colby Frey, Anna Gallegos, Lisz Hendrix, Casandra Hill, Amanda Hopkins, Lauren Inglis, Cherish Lumos, Amy Mac Girvin, Randy McClel-

land, Sam Miller, Jennifer Piper, Roseann Pope, Tim Steadman, Michelle Waller, Scott Wesner and Jordy Vereen; teachers Mrs. Hooper-Howe and Mrs. Piazzola.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Cathy Sullivan and Heidi Eichelman.

On request of Assemblyman Fettic, the privilege of the floor of the Assembly Chamber for this day was extended to Gloria Tester and the following students from St. Teresa Catholic School: Haley Anderton, Meaghan Antle, Justin Barber, Gary Borst, Lauren Costella, Jaime Cote, Kaylene Crum, Johonna Davis, Kristina DeCarlo, Nicholas DeMagistris, Jenny Gentine, Amanda Glover, Bobby Harington, Christina Henderson, Gabe Herz, Nick Higman, Jennifer Hodges, Tim Jenkins, Joey Kennedy, Morgan Kugler, Ian McGraw, Nicole Passalacqua, Joshua Rauch, Thomas Schwedhelm, Stevie Dawn Selmi, Matthew Shafer, Megan Straughan, John Michael Sturm, Kyle Swift, Blythe Van Gordon, Blaine Wimsatt and Jason Campbell; teacher Carol Gibson; chaperones Mary Swift, Marti Cote, Margaret McGraw, Danna Sturm and Marty Schwedhelm.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Irene Rodriquez and Daniel Felix.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Wayne Hardwick, Linda Tocci and Sandra Zinkevich.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Emmanuel Malasaga and David Baker.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Eva Romero.

On request of Assemblyman Manendo, the privilege of the floor of the Assembly Chamber for this day was extended to Marissa Shaffer.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Welding.

On request of Assemblyman Monaghan, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Higgins.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Jose Gonzalez.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Rene Marrufo.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Tanya Ray.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Brandon Billingsley.

On request of Assemblyman Steel, the privilege of the floor of the Assembly Chamber for this day was extended to You Sher Tay.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Chris Wilson.

On request of Assemblyman Tripple, the privilege of the floor of the Assembly Chamber for this day was extended to Desiree Van Oss.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Sasa Nikolic.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, May 25, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 1:06 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTIETH DAY

CARSON CITY (Thursday), May 25, 1995

Assembly called to order at 11:08 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Mark Demel.

Gracious God, thank You for the many elected officials in this land who daily seek to serve and govern rightly and effectively. Give to those gathered here a sense of satisfaction in the tasks and duties that they undertake. Lift them up when they are down; fill them when they are empty; encourage them when they feel unappreciated and misunderstood. At all times, remind them that they are Your servants, acting in Your behalf, to secure for all, life, liberty and the pursuit of happiness. Hear our prayer, dear God, and grant Your blessing. In the Name of Christ the Lord. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 27, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JACK D. CLOSE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Government Affairs.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 24, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 22, 44, 267, 280, 327, 358.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 84, 261, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 185 and requests a conference, and appointed Senators Washington, Lee and McGinness as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 13.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 281, 456.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 400, 409.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 20.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 31.

Assemblyman Batten moved the adoption of the resolution.

Remarks by Assemblyman Batten.

Resolution adopted.

Senate Joint Resolution No. 20.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Transportation.

Motion carried.

Assemblyman Freeman moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:15 a.m.

ASSEMBLY IN SESSION

At 11:18 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 398 be placed on the Second Reading File.

Motion carried.

Assemblyman Batten moved that Assembly Bill No. 421 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Dini moved that Senate Bill No. 141 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Dini.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 239, 243, 389, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 91, 553, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 657—An Act relating to the public employees' retirement system; revising the definition of "police officer" to make certain gaming control agents eligible for early retirement; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 658—An Act relating to local government; adding bridges to the projects eligible for certain funding; authorizing a public agency to advance money for a joint undertaking in contemplation of later repayment; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 659—An Act relating to health care; establishing procedures pursuant to which a person may direct that he not be resuscitated in the event of a cardiac or respiratory arrest; prohibiting certain acts which may interfere with the carrying out of such a direction; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 660—An Act relating to wildlife; requiring the division of wildlife of the state department of conservation and natural resources to establish plans for the management of herds of elk in this state; and providing other matters properly relating thereto.

Assemblyman Carpenter moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 661—An Act relating to criminal actions; prohibiting certain appeals if the defendant pleaded guilty or nolo contendere under specified circumstances; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 281.

Assemblyman Stroth moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 400.

Assemblyman Stroth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 409.

Assemblyman Stroth moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 456.

Assemblyman Stroth moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Judiciary:

Assembly Joint Resolution No. 38—Urging Congress to require an application for a passport for a child to be signed by both parents under certain circumstances.

Assemblyman Humke moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 293, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN MONAGHAN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 178, 348, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Concurrent Resolution No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JOHN CARPENTER, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 237.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 240.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 241.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 244.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 578.

Amend section 1, page 1, line 1, by deleting "There" and inserting "1. There".

Amend section 1, page 1, by deleting lines 2 and 3 and inserting: "department of business and industry the sum of $200,000 to carry out the provisions of subsection 2.

2. The department of business and industry may use the money appropriated by subsection 1 to contract with a private corporation to manage a privately capitalized fund, or pool of funds, used to provide small businesses in this state with access to financing not otherwise available to those businesses if:

(a) Legally binding commitments of at least $3,000,000, or such greater amount as the director of the department of business and industry determines appropriate, have been made by private sources of funding to capitalize the fund or pool of funds.

(b) The contract:

(1) Restricts the use of any money paid to the corporation pursuant to this subsection to payment of a portion of the direct operating expenses of the corporation incurred during the initial 2 years of its management of the fund or pool of funds.

(2) Prohibits the corporation from using any money paid to the corporation pursuant to this subsection to pay any of the expenses of organizing or capitalizing the fund or pool of funds.

(c) The corporation has an adequate managerial structure in place to carry out the provisions of the contract.

3. A corporation that receives any money pursuant to subsection 2 shall submit to the 69th session of the Nevada Legislature a written report of its expenditure of that money and its success in providing small businesses in this state with access to financing not otherwise available to those businesses.".

Amend the title of the bill to read as follows:

"An Act making an appropriation to the department of business and industry for the operating expenses of a program to provide small businesses with access to financing not otherwise available; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriation to department of business and industry for operating expenses of program to provide small businesses with access to financing not otherwise available. (BDR S-1506)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 254.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 303.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 614.

Amend section 1, page 2, by deleting line 23 and inserting:

"*(f) To adopt a curriculum and a system to allow pupils and students to participate in*".

Amend section 1, page 2, line 45, by deleting the period and inserting: "*, including specific requirements for periodic review and comment by the members of the partnership representing the business community to determine whether the program is actually improving the participants' skills to make the transition from school to work. The members of the partnership who perform the periodic review must include employers who are likely to hire pupils who complete the program as well as other employers who are active in the establishment of programs for job training and placement.*".

Amend section 1, page 2, line 48, by deleting the period and inserting: "*and contain specific comments from the members of the partnership representing the business community regarding the effectiveness of the program in producing pupils who are ready for employment in the workplace.*".

Amend sec. 2, page 3, line 37, by deleting "*high school*" and inserting: "*grades 7 through 12, inclusive,*".

Amend sec. 3, pages 3 and 4, by deleting lines 45 through 47 on page 3 and lines 1 through 5 on page 4 and inserting: "388.367 the sum of $4,000,000.

2. Any remaining balance of the appropriation made by subsection 1 must".

Amend sec. 4, page 4, by deleting line 8 and inserting:

"Sec. 4. This act becomes effective upon passage and approval or on June 30, 1995, whichever occurs earlier.".

Amend the preamble of the bill, page 1, between lines 15 and 16, by inserting:

"WHEREAS, Public education and the preparation in Nevada schools of the future work force must include all pupils, without regard to race, language, ethnicity, gender and socioeconomic status; and".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 316.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 333.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 509.

Amend the bill as a whole by deleting sections 1 through 4 and the text of the repealed section and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 371.060 is hereby amended to read as follows:

371.060 1. Except as *otherwise* provided in subsection 2, each vehicle must be depreciated by the department for the purposes of the annual privilege tax according to the following schedule:

Age	Percentage of Initial Value
New	100 percent
1 year	85 percent
2 years	75 percent
3 years	65 percent
4 years	55 percent
5 years	45 percent
6 years	35 percent
7 years	25 percent
8 years	15 percent
9 years or more	5 percent

2. Each bus, truck or truck tractor having a declared gross weight of 10,000 pounds or more and each trailer or semitrailer having an unladen weight of 4,000 pounds or more must be depreciated by the department for the purposes of the annual privilege tax according to the following schedule:

Age	Percentage of Initial Value
New	100 percent
1 year	75 percent
2 years	59 percent
3 years	47 percent
4 years	37 percent
5 years	28 percent
6 years	23 percent
7 years	20 percent
8 years	17 percent
9 years	15 percent
10 years or more	13 percent

3. Notwithstanding any other provision of this section, the minimum amount of privilege tax:

(a) On any trailer having an unladen weight of 1,000 pounds or less is $3; and

(b) On any other vehicle is $6.

4. For the purposes of this section, a vehicle shall be deemed a "new" vehicle if the vehicle has never been registered with the department and has never been registered with the appropriate agency of any other state, the District of Columbia, any territory or possession of the United States or any foreign state, province or country.".

Amend the title of the bill to read as follows:

"An Act relating to taxation; revising the circumstances under which a vehicle shall be deemed a new vehicle for determining the valuation of the vehicle for the calculation of the privilege tax thereon; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions relating to privilege tax imposed on vehicles. (BDR 32-1300)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 486.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 510.

Amend sec. 2, page 1, by deleting lines 4 through 8 and inserting: "*section 3 of this act, "total loss vehicle" means a vehicle:*

1. Of a type which is subject to registration;

2. Which has been wrecked, destroyed or otherwise damaged to such an extent that the owner, leasing company, financial institution, or the insurance company that insured the vehicle considers it uneconomical to repair the vehicle; and

3. Because of that wreckage, destruction or other damage, which is not repaired by or for the person who owned the vehicle at the time of the event resulting in the damage.".

Amend sec. 3, page 1, by deleting lines 13 through 19 and inserting:

"*2. A person who violates the provisions of this section:*

(a) If the value of the vehicle removed from this state is less than $250, is guilty of a misdemeanor.

(b) If the value of the vehicle removed from this state is $250 or more, is guilty of a gross misdemeanor.".

Amend sec. 5, page 2, line 16, by deleting "*10*" and inserting "*120*".

Amend sec. 5, page 2, by deleting lines 22 and 23 and inserting:

"3. Upon *the* sale of the salvage vehicle , the insurance company , *salvage pool, auto auction, leasing company or financial institution which sells the salvage vehicle* shall issue a bill of sale of salvage to the purchaser on a".

Amend sec. 7, page 3, by deleting lines 6 and 7 and inserting:

"2. A dealer of new or used motor vehicles or *a* rebuilder until [he] *:*

(a) He presents the card issued by the department pursuant to NRS 487.475 [.] *; or*

(b) If he is licensed as a dealer of new or used motor vehicles or as a rebuilder in another state, he presents evidence of that licensure.".

Amend the title of the bill, fifth line, after "wrecker" by inserting: ", dealer or rebuilder".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 547.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 554.

Bill read second time.

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

Amendment No. 535.

Amend section 1, page 1, line 10, after "*or any*" by inserting "*other*".

Amend section 1, page 1, line 20, after "*or any*" by inserting "*other*".

Amend section 1, page 2, line 5, by deleting "*any*" and inserting: " *"O.H.S.T." or any other*".

Amend section 1, page 2, line 7, after "*by the*" by inserting: "*Joint Committee of the*".

Amend the title of the bill, second line, after "hygiene" by inserting "and safety".

Amend the summary of the bill, first line, after "hygiene" by inserting "and safety".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 603.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 149.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 435.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 12 and the text of the repealed section, following the enacting clause, to read as follows:

"Section 1. Chapter 395 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *1. The interagency panel is hereby created. The panel is responsible for making recommendations concerning the placement of persons with disabilities who are eligible to receive benefits pursuant to this chapter. The panel consists of:*

(a) The administrator of the division of child and family services of the department of human resources;

(b) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(c) The director of the department of human resources; and

(d) The superintendent of public instruction.

2. A member of the panel may designate a person to represent him at any meeting of the panel. The person designated may exercise all the duties, rights and privileges of the member he represents.

3. The panel shall:

(a) Meet every time a person with a disability is to be placed pursuant to subsection 2 of NRS 395.010 in a foster home or residential facility, to evaluate the needs of the person and the availability of homes or facilities under the authority of the department of human resources;

(b) Determine the appropriate placement of the person, giving priority to homes or facilities under the authority of the department of human resources over any home or facility located outside of this state; and

(c) Make a recommendation concerning the placement of the person.

Sec. 3. *Persons with disabilities who are entitled to benefits pursuant to this chapter must be given priority of placement in homes or facilities under the authority of the department of human resources over any other persons that the department has responsibility for placing in foster homes or residential facilities.*

Sec. 4. *The division of child and family services of the department of human resources shall, when monitoring children under its authority whom it has placed in foster homes and residential facilities outside of the state, also monitor the well-being of the persons with disabilities who have been placed in those foster homes and residential facilities pursuant to this chapter, and report to the superintendent of public instruction concerning the condition of those persons with disabilities.*

Sec. 5. NRS 395.001 is hereby amended to read as follows:

395.001 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS [395.0055 to 395.008, inclusive,] *395.0065, 395.0075 and 395.008* have the meanings ascribed to them in those sections.

Sec. 6. NRS 395.010 is hereby amended to read as follows:

395.010 1. [The department of human resources shall, with the approval and under the supervision of the superintendent of public instruc-

tion, provide a special education program and related services to any person with a disability who is suffering from an emotional illness, a traumatic brain injury or autism and who is otherwise eligible for such benefits pursuant to this chapter.] The superintendent of public instruction shall provide a special education program and related services to all [other] persons with disabilities who are eligible for [such] benefits pursuant to this chapter.

2. The [director and the] superintendent of public instruction may carry out the duties required by subsection 1 by:

(a) Making arrangements with the governing body of any institution for persons with disabilities in any state having any such institution.

(b) Placing the person with a disability in a foster home or other residential facility, located in or outside of the school district in which the person with a disability resides, that can provide an appropriate special education program and related services for his particular disability. *The superintendent shall consider the recommendation of the interagency panel in deciding where to place a person with a disability, but he has final authority regarding placement pursuant to this subsection.*

(c) Making arrangements, if money from the Federal Government is available to cover the entire cost, for the unique special education and related services required to return students to this state who have been placed in an institution outside of the state pursuant to this chapter.

3. The [director and the] superintendent of public instruction may make all necessary contracts, in accordance with any regulations the state board of examiners may prescribe, to carry out the provisions of this section.

Sec. 7. NRS 395.040 is hereby amended to read as follows:

395.040 1. Upon receipt and review of an application for benefits, the superintendent of public instruction may cause a medical, psychological or educational examination of the person with a disability to be conducted at state expense to determine the nature and extent of the disability.

2. If the superintendent of public instruction determines that the school district:

(a) Has prepared an appropriate plan for the individualized education of the person with a disability; and

(b) Is unable to provide an appropriate special education program and related services for the particular disability and grade or level of education of the person with a disability,

he shall make the arrangements for the provision of a special education program and related services . [or, if the person with a disability is suffering from an emotional illness, a traumatic brain injury or autism, refer the person with a disability to the director to make such arrangements.]

3. The superintendent of public instruction has final authority regarding the provision of a special education program and related services to any person with a disability.

Sec. 8. NRS 395.050 is hereby amended to read as follows:

395.050 1. When arrangements for the provision of a special education program and related services to a person with a disability have been

completed by the superintendent of public instruction [or the department of human resources, the superintendent or the director] , *he* shall advise the board of trustees of the school district to make provision, at the expense of the school district, for transporting the person with a disability to a place designated by the superintendent . [or the director.] The superintendent [or the department of human resources] shall make necessary arrangements for transporting the person with a disability from the designated place to the institution, foster home or other residential facility and return to the designated place at the expense of the state.

2. The provision of a special education program and related services to a person with a disability pursuant to this chapter must be paid by the state without any charge to the person with a disability or to a parent, guardian or other person having the care, custody or control of the person with a disability.

Sec. 9. NRS 395.0055 is hereby repealed.

Sec. 10. The interagency panel created pursuant to section 2 of this act shall:

1. Study the existing programs for the placement of persons with disabilities in foster homes or residential facilities and develop a plan to increase the number of programs that place persons with disabilities in foster homes or residential facilities in this state;

2. Study the availability of state resources and develop a plan for the use of the resources of this state to meet the current needs of persons with disabilities that are not being met; and

3. Report the results of its studies and any recommended legislation to the 69th session of the Nevada legislature.

Sec. 11. There is hereby appropriated from the state general fund to the department of education the sum of $603,311 for additional expenses of residential and educational needs for children with disabilities provided pursuant to chapter 395 of NRS. This appropriation is supplemental to that made by section 15 of chapter 350, Statutes of Nevada 1993, at page 1116.

Sec. 12. 1. This section and section 11 of this act become effective upon passage and approval or on June 30, 1995, whichever occurs earlier.

2. Sections 1 to 10, inclusive, of this act become effective on July 1, 1995.

TEXT OF REPEALED SECTION

395.0055 "Director" defined. "Director" means the director of the department of human resources.".

Amend the title of the bill to read as follows:

"An Act relating to persons with disabilities; creating an interagency panel to make recommendations concerning the placement of certain persons with disabilities into foster homes or residential facilities; requiring the panel to study existing programs and develop new programs for persons with disabilities; transferring to the superintendent of public instruction the responsibility to provide and administer special education programs and related benefits for persons with certain disabilities; making a supplemental appropriation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Creates interagency panel to make recommendations concerning placement of certain persons with disabilities into foster homes or residential facilities. (BDR 34-1474)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 186.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 486.

Amend section 1, page 1, by deleting lines 8 and 9 and inserting: "*regulation the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the central repository for Nevada records of criminal history and the Federal Bureau of Investigation for processing the fingerprints.*".

Amend sec. 2, page 2, by deleting lines 11 and 12 and inserting: "*tion the fee for processing fingerprints. The fee must not exceed the sum of the amounts charged by the central repository for Nevada records of criminal history and the Federal Bureau of Investigation for processing the fingerprints.*".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 413.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 12.

Resolution read second time.

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

Amendment No. 507.

Amend the preamble of the resolution, page 1, line 20, by deleting: "and court decrees".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 398.

Bill read second time.

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

Amendment No. 416.

Amend the bill as a whole by deleting sections 1 through 10 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

A person may commence an action relating to any dispute involving the title to or ownership of a water right in the district court of a county in which the water to which the person claims title or ownership is applied to beneficial use or diverted from its natural source. An action brought pursuant to this section must be conducted in accordance with the same requirements and procedures as for an action brought pursuant to the provisions of NRS 40.010 to 40.130, inclusive.

Sec. 2. Chapter 534 of NRS is hereby amended by adding thereto a new section to read as follows:

A person may commence an action relating to any dispute involving the title to or ownership of a water right in the district court of a county in which the water to which the person claims title or ownership is applied to beneficial use or diverted from its natural source. An action brought pursuant to this section must be conducted in accordance with the same requirements and procedures as for an action brought pursuant to the provisions of NRS 40.010 to 40.130, inclusive.".

Amend the title of the bill to read as follows:

"An Act relating to water; providing district courts with jurisdiction over actions relating to disputes involving title to or ownership of water rights; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides district courts with jurisdiction over actions relating to disputes involving title to or ownership of water rights. (BDR 48-1056)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 398 be re-referred to the Committee on Government Affairs.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Government Affairs.

GENERAL FILE AND THIRD READING

Assembly Bill No. 69.

Bill read third time.

Remarks by Assemblymen Allard, Giunchigliani, Buckley, Evans, Williams, Bache and Close.

Assemblyman Bache moved that Assembly Bill No. 69 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Bache.

Motion lost.

Assemblymen Harrington, Giunchigliani and Allard moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 69.

Roll call on Assembly Bill No. 69:

YEAS—41.

NAYS—Bache.

Assembly Bill No. 69 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 531 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Carpenter moved that Assembly Bill No. 307 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 247.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Assembly Bill No. 247:

YEAS—42.

NAYS—None.

Assembly Bill No. 247 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 249.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Assembly Bill No. 249:

YEAS—42.

NAYS—None.

Assembly Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 250.

Bill read third time.

Remarks by Assemblymen Fettic, Monaghan, Giunchigliani, Goldwater, Freeman and Carpenter.

Roll call on Assembly Bill No. 250:

YEAS—42.

NAYS—None.

Assembly Bill No. 250 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 251.

Bill read third time.

Remarks by Assemblymen Close and Harrington.

Roll call on Assembly Bill No. 251:

YEAS—41.

NAYS—Harrington.

Assembly Bill No. 251 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 343.

Bill read third time.

Remarks by Assemblyman Allard.

Roll call on Assembly Bill No. 343:

YEAS—42.

NAYS—None.

Assembly Bill No. 343 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Assembly Bill No. 361:

YEAS—42.

NAYS—None.

Assembly Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 410.

Bill read third time.

Remarks by Assemblymen Williams, Humke, Close, Evans, Price, Carpenter and Freeman.

Assemblymen Lambert, Bache and Anderson moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 410.

Roll call on Assembly Bill No. 410:

YEAS—42.

NAYS—None.

Assembly Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 555.
Bill read third time.
Remarks by Assemblyman Bache.
Roll call on Assembly Bill No. 555:
YEAS—42.
NAYS—None.

Assembly Bill No. 555 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 63.
Bill read third time.
Remarks by Assemblyman Bache.
Conflict of interest declared by Assemblyman Bennett.
Assemblyman Anderson moved that Senate Bill No. 63 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Anderson.
Motion carried.

Senate Bill No. 90.
Bill read third time.
Remarks by Assemblyman Buckley.
Roll call on Senate Bill No. 90:
YEAS—42.
NAYS—None.

Senate Bill No. 90 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 278.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 278:
YEAS—42.
NAYS—None.

Senate Bill No. 278 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 307.
Bill read second time.
The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:
Amendment No. 626.
Amend the bill as a whole by renumbering section 1 as sec. 7 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

"Section 1. NRS 501.115 is hereby amended to read as follows:

501.115 1. The State of Nevada hereby assents to the provisions of that certain Act of Congress commonly known and referred to as the Pittman-Robertson Act, being c. 899, 50 Stat. 917, approved September 2, 1937, and also designated as 16 U.S.C. §§ 669-669j, providing federal aid to states in wildlife restoration projects.

2. The commission [may, and it is authorized and empowered, but not required to,] *shall* do any and all things necessary to obtain for the State of Nevada the benefits provided in the Act of Congress.

Sec. 2. NRS 501.117 is hereby amended to read as follows:

501.117 1. The State of Nevada hereby assents to the provisions of the Act of Congress known as the Dingell-Johnson Act, being c. 658, 64 Stat. 430, approved August 9, 1950, 16 U.S.C. §§ 777 to 777k, inclusive, providing federal aid to states in fish restoration and management projects.

2. The commission [may] *shall* do all things necessary to obtain for the State of Nevada the benefits provided by such Act of Congress.

Sec. 3. NRS 501.171 is hereby amended to read as follows:

501.171 1. The governor shall appoint to the commission:

(a) One member who is actively engaged in the conservation of wildlife;

(b) One member who is actively engaged in farming;

(c) One member who is actively engaged in ranching;

(d) [Four members who represent the interests of sportsmen; and

(e) Two members who represent] *One member who represents* the interests of the general public [.] *; and*

(e) Five members who during at least 3 of the 4 years immediately preceding their appointment held a resident license to fish or hunt, or both, in Nevada, from written nominations submitted to the governor by the county advisory boards to manage wildlife of the various counties of this state. A county advisory board shall submit nominations upon the request of the governor and may submit nominations at any other time.

2. Not more than [three] *two* members may be from the same county.

3. The commission shall *annually* select a chairman and a vice chairman from among its members. *A person shall not serve more than two consecutive terms as chairman.*

Sec. 4. NRS 501.177 is hereby amended to read as follows:

501.177 1. The commission may hold [at least] *not more than* nine meetings regularly each year based on need and the requests submitted by the county advisory boards to manage wildlife.

2. Special meetings of the commission may be held at such times and places as the commission deems proper.

3. Five members of the commission constitute a quorum for the transaction of any business which may come before the commission.

Sec. 5. NRS 501.337 is hereby amended to read as follows:

501.337 The administrator shall:

1. Carry out the policies and regulations of the commission.

2. Direct and supervise all administrative and operational activities of the division, and all programs administered by the division as provided by law. He shall devote his entire time to the duties of his office and shall not follow any other gainful employment or occupation.

3. Within such limitations as may be provided by law, organize the division and, from time to time [,] *with the consent of the commission,* alter the organization . [and] *The administrator shall* reassign responsibilities and duties as he may deem appropriate.

4. Appoint or remove such technical, clerical and operational staff as the execution of his duties and the operation of the division may require, and all those employees are responsible to him for the proper carrying out of the duties and responsibilities of their respective positions. The administrator shall designate a number of employees as game wardens and provide for their training.

5. Submit technical and other reports to the commission as may be necessary or as may be requested, which will enable the commission to establish policy and regulations.

6. Prepare the biennial budget of the division consistent with the provisions of this Title and chapter 488 of NRS [.] *and submit it to the commission for its review and comment.*

7. Administer real property assigned to the division.

8. Maintain full control, by proper methods and inventories, of all personal property of the state acquired and held for the purposes contemplated by this Title and by chapter 488 of NRS.

9. Act as nonvoting secretary to the commission.

Sec. 6. NRS 501.341 is hereby amended to read as follows:

501.341 The headquarters of the division must be maintained at Reno. Other offices may be established throughout the state in number and location as will, in the opinion of the administrator [,] *and commission,* provide an efficient divisional operation.".

Amend the bill as a whole by renumbering sec. 2 as sec. 9 and adding a new section designated sec. 8, following section 1, to read as follows:

"Sec. 8. 1. The governor shall extend to October 1, 1995, the terms of the four persons:

(a) Who are incumbent members of the board of wildlife commissioners on June 30, 1995; and

(b) Whose respective terms would otherwise expire on July 1, 1995.

2. As soon as practicable on or after October 1, 1995, the governor shall appoint four successor members who are qualified pursuant to NRS 501.171, as amended by section 3 of this act, to the board of wildlife commissioners. The governor shall appoint:

(a) To replace the incumbent member who had been actively engaged in ranching, one member who is qualified pursuant to paragraph (c) of subsection 1 of NRS 501.171, to an initial term ending on July 1, 1998.

(b) To replace one of the incumbent members who had been appointed to represent the interests of sportsmen, one member who is qualified pursuant to paragraph (e) of subsection 1 of NRS 501.171, to an initial term ending on July 1, 1996.

(c) To replace one of the incumbent members who had been appointed to represent the interests of sportsmen, one member who is qualified pursuant to paragraph (e) of subsection 1 of NRS 501.171, to an initial term ending on July 1, 1998.

(d) To replace the incumbent member who had been appointed to represent the interests of the general public, one member who is qualified pursuant to paragraph (e) of subsection 1 of NRS 501.171, to an initial term ending on July 1, 1998.".

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

"Sec. 9. 1. This section and section 8 of this act become effective on July 1, 1995.

2. Sections 1 to 7, inclusive, of this act become effective on October 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to wildlife; making various changes regarding the administration of the state department of conservation and natural resources; revising the composition of the board of wildlife commissioners; requiring the division of wildlife of the state department of conservation and natural resources to use money received from fees for the sale or issuance of stamps, tags, permits and licenses for the management of wildlife; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding state department of conservation and natural resources. (BDR 45-195)".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblymen Carpenter, Dini and Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Humke, Anderson and Hettrick as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 185.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 49, 59, 133, 156, 163, 164, 183, 233, 235, 263, 295, 296, 344, 357; Assembly Joint Resolutions Nos. 19, 25; Senate Bills Nos. 119, 182.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Reed High School: Jerry Agustin, Andy Berry, Lourdes Chavez, Theresa

Cortes, Cindy Crump, Scott Donaldson, Lorrie Edwards, Kristan Erving (Wike), Melissa Ferguson, Ryan Henry, Rachel Hermesky, Kevin Johnson, Paul Lemus, Taryn Martin, Dana Semeit, Deidre Webb, Melissa Wilson, Brody Beck, Ashley Carrigam, Rose Cheney, Catherine Coley, Kelly Elliott, Eric Fullendwider, Jesslyn Geras, Nicole Guinan, Joshua Kenzer, Scott Mansfield, Dawn Nelson, Jackie Paterson, Tiffany Peak, Dorothy Perry, Quincy Sanders, Paul Sifre, Tyna Thierry, Paula Velasquez, Jennifer Weichert, Wes Wilson, Joseph Bischopink, Nathan Borek, James Bradshaw, John Burritt, Ryan Dow, Michelle Fleming, Jason Gonzales, Andrew Hill, Christine Kazonich, Michelle Meredith, Staci Miller, Louis Olivas, Craig Petersen, Laura Pribison, William Proebstel, Natalina Rogers, Heather Ronan, Teresa Sandoval, Jesse Sullivan, Joshua Talcott, Vanessa Varela, Jeffrey Williams, Nicole Yates, Kimberly Anderson, Edward Bowen, Zachary Cage, Huong Cao, Christian Chiriatti, Clifford Coley, Samuel Cottam, John Delong, David Faulkner, Jason Giovannoni, Gregory Graves, Tara Hadler, Aimee Haskell, Susan Holmes, Stephanie King, Laura Levine, Michael Mackay, Michelle Milne, Susan Park, Shannon Peterson, Rebecca Rores, Puja Sachdev, Eric Sanderson, Erik Scalise, Julie Stiver, Tara Thomas, April Warner, Chad Waters and Giselle Zagari; teachers Debbie Young and Ginny Young.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to Caral Lee.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Mark Aston.

Assemblyman Ernaut moved that the Assembly adjourn until Friday, May 26, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:47 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-FIRST DAY

CARSON CITY (Friday), May 26, 1995

Assembly called to order at 11:14 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Mark Demel.

Lord God of Heaven and earth, I thank and praise You for the members of this legislative body. Our state is truly blessed to have men and women who are willing to make the sacrifices necessary to serve faithfully and effectively in government. Inasmuch as many of those gathered here are frequently away from family and friends, I ask Your continued blessing and protection upon their homes and loved ones. May the people of this state be truly appreciative of the efforts those gathered here daily put forth. Over this holiday weekend, protect all who travel. May we, as a nation and a people, remember those who have died in service to our country. Hear our prayer and grant Your mercy, in Jesus' Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Joint Resolution No. 14, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 275, 290, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 581, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

SANDRA TIFFANY, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Tiffany moved that Assembly Bill No. 581 be re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 25, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 409.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 137, 214, 286, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 31.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 2, 35, 76, 180, 265.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 23.

Assemblyman Carpenter moved the adoption of the resolution.

Remarks by Assemblyman Carpenter.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Carpenter:

Assembly Bill No. 662—An Act making an appropriation to the state board of examiners for a salary increase for certain classes of state educational personnel; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Manendo, Chowning, Williams, Stroth, Segerblom, Braunlin and de Braga:

Assembly Bill No. 663—An Act relating to education; providing that a school district may authorize the use of property of the district for commercial advertising; specifying the permissible uses of money derived from such advertising; and providing other matters properly relating thereto.

Assemblyman Manendo moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 2.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 35.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 76.

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

Motion carried.

Senate Bill No. 180.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 265.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Harrington, Perkins, Close, Lambert, Stroth, Braunlin, Segerblom, Tiffany, Allard, Manendo, Monaghan, Nolan, Bennett, Goldwater and Steel:

Assembly Bill No. 664—An Act relating to public schools; providing for the division of large school districts; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 665—An Act relating to obscenity; providing that obscenity must be determined based on contemporary local community standards; requiring in jury trials of certain offenses relating to obscenity that the panel of qualified jurors be comprised of persons who are residents of the city or town in which the offense was committed; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 238, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Economic Development and Tourism, to which was referred Assembly Concurrent Resolution No. 37, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

DIANE STEEL, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 91.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 86.

Amend sec. 3, page 2, by deleting line 39 and inserting:

"*1. If a child within the jurisdiction of the juvenile court is found by the juvenile court*".

Amend sec. 3, page 3, line 8, by deleting "*shall:*" and inserting "*may:*".

Amend sec. 3, page 3, line 18, by deleting "*charges, the*" and inserting: "*charges:*

(1) The".

Amend sec. 3, page 3, line 21, by deleting "*costs.*" and inserting: "*costs; and*

(2) The judge may order the child to perform supervised work for the benefit of the community in lieu of paying the charges relating to his evaluation and treatment. The work must be performed for and under the supervising authority of a county, city, town or other political subdivision or agency of the State of Nevada or a charitable organization that renders service to the community or its residents. The court may require the child or his parent or legal guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which the child performs the work, unless, in the case of industrial insurance, it is provided by the authority for which he performs the work.".

Amend sec. 3, page 3, line 39, after the period by inserting: "*A record of any finding that a child has violated the provisions of NRS 484.379 or 484.3795 must be included in the driver's record of that child for 7 years after the date of the offense.*".

Amend sec. 4, page 4, line 2, by deleting: "under 21 years of age".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 184.

Bill read third time.

Remarks by Assemblymen Marvel and Carpenter.

Roll call on Assembly Bill No. 184:

YEAS—42.

NAYS—None.

Assembly Bill No. 184 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 221.
Bill read third time.
Remarks by Assemblyman Tiffany.
Potential conflicts of interest declared by Assemblymen Chowning, Fettic and Price.
Roll call on Assembly Bill No. 221:
YEAS—42.
NAYS—None.

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

Assembly Bill No. 237.
Bill read third time.
Remarks by Assemblymen Allard and Segerblom.
Roll call on Assembly Bill No. 237:
YEAS—42.
NAYS—None.

Assembly Bill No. 237 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 240.
Bill read third time.
Remarks by Assemblymen Giunchigliani and Nolan.
Roll call on Assembly Bill No. 240:
YEAS—39.
NAYS—Bennett, Harrington, Nolan—3.

Assembly Bill No. 240 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Assembly Bill No. 368 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Williams.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 241.
Bill read third time.
Remarks by Assemblyman Evans.
Roll call on Assembly Bill No. 241:
YEAS—42.
NAYS—None.

Assembly Bill No. 241 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 248.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Assembly Bill No. 248:
YEAS—41.
NAYS—Bennett.

Assembly Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 254.
Bill read third time.
Remarks by Assemblyman Fettic.
Roll call on Assembly Bill No. 254:
YEAS—42.
NAYS—None.

Assembly Bill No. 254 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 316.
Bill read third time.
Remarks by Assemblymen Chowning, Close, Steel and Manendo.
Roll call on Assembly Bill No. 316:
YEAS—40.
NAYS—Spitler.
Not voting—Carpenter.

Assembly Bill No. 316 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 469.
Bill read third time.
Remarks by Assemblyman Stroth.
Roll call on Assembly Bill No. 469:
YEAS—40.
NAYS—Segerblom.
Not voting—Freeman.

Assembly Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 533.
Bill read third time.
Remarks by Assemblymen Neighbors and Manendo.
Assemblyman Arberry moved that Assembly Bill No. 533 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblymen Arberry and Neighbors.
Assemblyman Arberry withdrew his motion.

Remarks by Assemblymen Carpenter, Chowning, Price and Williams.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN NEIGHBORS:

Assembly Bill No. 533 designates a portion of State Highway No. 375 as the Extraterrestrial ET Alien Highway. This measure requires the director of Nevada's Department of Transportation to install and maintain simple highway markers reflecting this designation and allows the director to accept contributions to help pay for the related costs.

First, with all the serious events that are transpiring around us in the nation today, I believe we need to create opportunities for ourselves to enjoy a little fantasy and humor. We do have to have that flexibility and that mix. And before I get into further remarks, I want all of you to know these aliens don't like the color red, so when it's time to vote, don't make them mad up there.

Assembly Bill No. 533 designates the ET Alien Highway, the portion of State Route 375 located between Crystal Springs in Lincoln County and Warm Springs in Nye County. This highway which passes through Rachel, Nevada is as close to the area 51 portion of the Nellis Air Force Range that is alleged to have contained unidentified flying objects, UFOs from outer space. The proponents of this bill testify that it will attract tourists to the specific areas designated in Lincoln and Nye counties. And at this time, I would remind everyone of the importance of economic development and tourism to the State of Nevada. It is evidenced by the re-establishment of the Assembly Committee on Economic Development and Tourism. I feel that this bill will draw additional tourists to the State of Nevada.

This year the town of Rachel, held as UFO capital, has an annual parade featuring a host of space aliens, providing a boost for the economy. Incidentally, there are 14 votes there and I need to get my share of them, so be sure and don't push any red voting lights.

As you know, Cable News Network talk show host, Larry King, recently broadcasted live from Rachel and CBS Sunday Morning with Bill Geist did his show out there last week. They notified me yesterday that on Sunday Morning On The Road, they will be doing a show on that, and mention our bill. I'm sure that everyone recalls that on July 19, 1976, which just happened to be Nevada's 200th birthday, Spaceship Viking landed on Mars. To do what? To find out if there was any life on Mars. Or how about Pioneer Spaceship X that is still out there somewhere? That spaceship had a gold plated, metallic record with over 100 languages along with a record player. There were pictures of a man and woman on board so that anyone in space out there could hear the voices and see what we looked like. For whatever that's worth. I better quit while I'm ahead here.

Finally, I believe that Assembly Bill No. 533 represents part of the excitement, the fantasy, and the tourism attraction that is Nevada. Whether we're talking about King Arthur's Court, Excalibur, the pyramids, the pirates of Treasure Island, Circus Circus, Caesar's Palace, or how about the loneliest Highway 50? It makes national news on various occasions.

With that, I would urge the Assembly to pass Assembly Bill No. 533 and beam it over to the Senate as soon as possible. Thank you.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Speaker. To you and through you to this honorable body, nanu nanu. First, we all know this is a fun issue, but at the same time this definitely has an impact on our state. Assembly Bill No. 533 would make Nevada the gaming capital of this universe. And, we know how important that out-of-this-universe revenue can impact our economy. Remember that. A recent article stated that the use of motorhomes, trailers and campers by vacationing families is on the rise this year. I believe Nevada, having an extraterrestrial highway, gives us an added opportunity to tap into that resource of vacationing families. After all, what family traveling the highways would deprive their children of the opportunity to possibly have a "close encounter" in the most logical place for it to happen in the United States, here in Nevada? I urge your support on Assembly Bill No. 533. Now, if I can get these ears off. Thank you.

ASSEMBLYMAN ARBERRY:

Mr. Speaker, I hate to do this to my colleague. On page 2, line 17, it says "it shall" and we need a "may" because if it does go with the "shall," then some of the money's going to have to come out of the highway fund. So, Mr. Speaker, I make a motion to move this UFO flight to the Chief Clerk's desk.

ASSEMBLYMAN NEIGHBORS:

I did meet with Mr. Stevens about that. He happens to be the director in the Department of Motor Vehicles. He came into my office and he assured me they have a budget for signs over there and he didn't feel this would be any impact at all. In addition, if you will notice, it further states that the director is allowed to accept contributions. Even the Lieutenant Governor has indicated he would contribute to this, so I see no fiscal impact on this bill at all.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. To you and through you, it would not have a fiscal impact, it's the language. It says "shall." And "shall" counteracts accepting any contributions. So if that language would say, "the director of the department of transportation shall" item a, b and c. So it needs not to say "shall," it needs to say "may."

ASSEMBLYMAN NEIGHBORS:

Mr. Speaker, I don't have any problem with that.

ASSEMBLYMAN ARBERRY:

Mr. Speaker, I feel real bad. Skip the motion.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise for and against Assembly Bill No. 533. If Rachel's going to be the tourist center of Nevada, we're in real trouble. But, on a more serious note, my alien friends from Hiko, Ash Springs and Alamo are very upset for not being included in this space bill. And, I'm afraid if my space friend Neighbors here doesn't get an amendment in the Senate, he will not get any alien votes next time.

ASSEMBLYMAN CHOWNING:

Thank you, Mr. Speaker. I rise in support of this meritorious alien bill. But, I just really would plead with my colleague to add "install suitable markers and a transportation call box" on page 2. It's very, very important so that ET can phone home.

DARTH VADAR:

Greetings earthlings! I have traveled many "galactic," as you call miles, to visit with you. And you will notice, I have attired myself in the proper manner for your honorable chamber today. I have distributed among you a letter from our Intergalactic Tourism Association and I have asked the honorable earthling on my left to read it to you. Your pollution has polluted my eyes and I cannot see well enough to read the letter. Earthling, would you proceed?

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. I'll attempt this. To you and through you to the great unit members, this comes from the Galactic Tourism Association, 1995 Milky Way Road, Alpha Centauri 0505194035. The Galactic Tourism Association is a trade group representing over 700 travel agents in 35 star systems. Our scanners indicate the concern of you and your unit with Assembly Bill No. 533, propositioning to designate one of your travel strips as the Extraterrestrial Alien Highway and your population called Rachel as a destination resort. You be informed that a set designation is in place. GTA will post this site on your super nova discount package tour. Be thus prepared to receive many of our clients in a mutually profitable experience. We look ahead to being great neighbors in a priceless relationship. Yours most far, GITGO, Executive Tourister. This communication which is being translated from original galactic text is offered to be transcribed in your data bank. Galactic text is connected hereon for verification. Over and out.

DARTH VADAR:

Thank you, honorable earthling. I respectfully request your positive vote on this issue and I must leave you to join my soul brother, Michael Jackson later this morning.

Roll call on Assembly Bill No. 533:

YEAS—40.

NAYS—None.

Absent—Ernaut.

Not voting—Bennett.

Assembly Bill No. 533 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Spitler, Giunchigliani, Close, Allard, Price, Brower, Chowning, Dini, Tiffany, Williams, Buckley, Sandoval, Krenzer, Hettrick, Nolan, de Braga, Segerblom, Ohrenschall, Arberry, Freeman, Neighbors, Harrington, Batten, Evans, Tripple, Marvel, Goldwater, Carpenter, Bache, Ernaut, Fettic, Lambert, Stroth, Steel, Anderson, Schneider, Humke, Braunlin, Monaghan, Bennett, Perkins and Manendo:

Assembly Concurrent Resolution No. 40—Proclaiming the month of May as "Asian Pacific Heritage Month" in Nevada.

WHEREAS, President Clinton has proclaimed the month of May "National Asian Pacific Heritage Month"; and

WHEREAS, In the State of Nevada more than 65,000 Southern Nevadans can trace their roots to Asia and the islands of the Pacific; and

WHEREAS, Asian Pacific Americans have strived to gain the acceptance and respect of their fellow Americans by promoting cultural awareness, developing leadership abilities and cultivating positive skills and talents; and

WHEREAS, The month-long observance will highlight the many different Asian Pacific cultures found in Southern Nevada through various special events and cultural presentations; and

WHEREAS, On May 26, 1995, the first group of "Asian Pacific Champions of Excellence" awards will be presented to outstanding Southern Nevada residents whose contributions and achievements have made them positive role models for the Asian Pacific American community; and

WHEREAS, These outstanding Asian Pacific Americans and Asian Pacific American Advocates include Golam Choudhury, M.D., Bashir Chowdhry, M.D., Hae Un Lee, Dr. Peter Lok, Nqoc Nquyen, Lilly Fong, Cal and Cindy Puana, Rozita Villanueva Lee, Rachaconda Prabhu, M.D., Supatra Chemprachum, George Goto, Stewart Bell and Richard Segerblom; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That in recognition of the achievements and contributions of Asian Pacific Americans to the State of Nevada, the members of the 68th session of the Nevada Legislature do hereby proclaim the month of May "Asian Pacific Heritage Month" in Nevada; and be it further

RESOLVED, That the Nevada Legislature encourages all residents of Nevada to participate in local events which recognize and honor Asian Pacific Americans in an effort to become more aware of the Asian Pacific influence on the history of Nevada.

Assemblyman Spitler moved the adoption of the resolution.

Remarks by Assemblymen Spitler, Giunchigliani, Ohrenschall, Harrington, Segerblom, Carpenter, Chowning and Anderson.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. Asian Pacific Americans have long been active in the history and progress of our state and our great nation. They have often been the silent entity whose contributions have been passively accounted for in history. For years, they have adhered to their customary ways of quietly working by the sidelines. They do not often expect to be handed anything, rather they have demonstrated the ability to earn it. Their principles and work ethics drummed in them for generations is what is so admirable. They were there in the days of discovery and settlement of the "new frontiers" and the construction of the railroads and Hoover Dam.

Nevada was, indeed, a home to many of these people for many years as evidenced with the existence of a Chinese cemetery in Virginia City. However, there is still much that needs to be discovered about the history of this group. Our Assembly has just recently recognized them with the passage of Assembly Bill No. 525, and the resolution of Asian Pacific Heritage Month, which we are doing this morning.

With us today, are the leaders of the 65,000 Asian Pacific Americans in our state. They came to make known to all of us their interest to participate in the progress of Nevada. They are a diverse group of many cultures and ethnic backgrounds. They have different languages, religions and education. They are Bengali, Chinese, Hawaiian, Indian, Japanese, Korean, Malaysian, Pakistanis, Philippino, Thai and Vietnamese. They are our constituents, our friends and our neighbors.

The Asian Pacific American community is experiencing a tremendous growth in population in our state. For years, they have helped the resources of Nevada through their contributions; professionally or monetarily through the gaming industry. Now, with the resurgence of the "family" theme in Las Vegas, we will find them more and more from all over the nation and throughout the world. These citizens also represent strong ties to their homelands, the Pacific Rim, which could only benefit our state given the respect and opportunity endowed to us all. With the support of their elected officials, the Asian Pacific Nevadans can provide opportunities for our beloved state.

Because of their diversity and multiple interests, there are approximately 30 organizations in existence. They address the various needs of their specific communities, professions and special interest groups. And with their growth in our state, we, too, must take actions to help these constituents.

With that, Mr. Speaker, I urge the adoption of Assembly Concurrent Resolution No. 40.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 40. I think it's appropriate for us to recognize many of the individuals whose talents involve tourism, which shows true community spirit. This resolution, in my opinion, goes hand in glove with the bill that we passed this week, Assembly Bill No. 525, which was introduced by my colleague from Boulder City. Assembly Bill No. 525, which calls on the county commission to establish a commission to take a look at the needs, wants and talents of the Asian community that we have in our state.

I know many of these individuals, some of whom are my friends. I wish to extend a very warm welcome, and a thank you, not only for what you do for your community, but also for the work ethics you bring back to our spirits. I think this is very, very important. I also would like to say hello to my neighbor, Mr. Goto. Thank you.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. I have many, many friends who are Asian Americans. I have been impressed throughout the years that I have lived in Southern Nevada, as well as in other places, with how individuals who can come to a country where the language, alphabet and everything is entirely different, adapt to a new culture, and yet, keep their own culture. And, through their work ethics, become leaders in the community, politics and commerce. I wish to salute all of those here today, and all of the great Asian Americans who I have known through the years.

ASSEMBLYMAN HARRINGTON:

Thank you, Mr. Speaker. I, too, wish to support this resolution. I was hired by two Asian physicians, Dr. Randolph Shiraishi, who is the director of my emergency department, and who hired me directly. Also, Art Wong who is the owner of the EPMT for whom I work. They are the reasons I'm in this great State of Nevada. They are tremendous doctors; wonderful to work for. Their contributions to our community are terrific.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. I rise in support of this resolution. I'm sorry that at this time we only have a bill to study Clark County. When I come back two years from now, I'm going to have a bill which studies the Asian community of Nevada. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 40. When I was a young man, and I was a young man once, growing up in Ely, some of my best friends were Asian Americans. They have a great heritage all over Nevada. I wish to speak very favorably for this resolution.

ASSEMBLYMAN CHOWNING:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 40. As a little girl I was able, along with my family, to enjoy the marvelous food at Fong's Gardens on Charleston Boulevard in Las Vegas. I just wanted to share that one of our former esteemed colleagues, Mr. Banner, was very, very grateful for the wonderful care that Dr. Prabhu gave him. I just want to say thank you for all the commitments through the years, both business and community-wide, to the State of Nevada.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I, also, rise in support. Obviously, the community which I represent has a deep heritage. A long history of alliance with Chinese and Asian Pacific Island communities, because of its railroad heritage. Also, because of the large number of merchants who have been in our community who have made our city what it is. I rise in support of this resolution and I think our continued efforts in this regard should move forward. I salute my colleague from the south, who hopes to bring forth a resolution, a stronger bill next session, so we can include a more historic perspective.

Resolution adopted unanimously.

Assemblyman Spitler moved that all rules be suspended and that Assembly Concurrent Resolution No. 40 be immediately transmitted to the Senate.

Motion carried unanimously.

REMARKS FROM THE FLOOR

Assemblyman Nolan requested that his remarks be entered in the Journal.

JAPANESE AMERICAN CITIZENS LEAGUE

1316 S. 8th Street

Las Vegas, NV 89104

PRESIDENT ED WAKAYAMA'S CORNER:

As I watched the 50th commemoration of VE Day on May 8, 1995, that rolls across the continents of North America, Europe, and Russia with reflection, mourning, and celebration, I can immediately recall the sacrifices of Japanese American (Nisei) soldiers who volunteered from the concentration camps, built on the wastelands of the United States, to serve in the famed 442nd Regimental Combat Team along with the 100th Infantry Battalion of Hawaiian Japanese in Europe as well as in the Military Intelligence Service (MIS) in the Pacific. At the gathering of World War II veterans on the green grass of Fort Myers' parade ground, I noticed, among those honored and prominently represented the U.S. armed forces, a former member of the 442nd Regimental Combat Team, wearing a hat of Veterans of Foreign Wars, with a logo, "Go For Broke," standing proudly next to

President Clinton. This ceremony was a fitting tribute to all Japanese Americans who had served in the armed forces during WW II, including those who courageously defied the military draft and were subsequently incarcerated in the military prison at Fort Levinworth, Kansas. The reason for not serving in the military was quite simple: as long as their families were incarcerated in the concentration camps, they would refuse to die for the country that had taken their inalienable rights: liberty, freedom, property and the pursuit of happiness.

We must also remember the sacrifices of a passing generation and the responsibility of future generations to remember the terrible blood shedding that cost some 55 million lives during WW II. There were 26.5 million Russian soldiers and civilians killed in the conflict; 6 million Jews died in the gas chambers; 292,000 American combat deaths in Europe among whom 10,166 Nisei were killed or wounded in action. A total of 33,000 Nisei served in the 442nd/100th and 6,000 in MIS. In less than two years, the 100th/442nd Regimental Combat Team had successfully fought in seven major military battles in Italy, France and Central Europe. In one campaign, the 100th/442nd was ordered to rescue the "Texas Lost Battalion" of the 141st Regiment of the 36th Division at any cost. Although the 100th/442nd was at half strength with only 300 replacements, they engaged in action for six of the bloodiest and fiercest fighting days ever undertaken by any military unit. When 211 Texans were finally rescued, the total number of casualties exceeded the number of men saved. Out of the usual 4,500 men in a regiment, only several hundred men remained. For example, prior to this action, K Company had started out with 200 riflemen, but only 17 men remained at the end of the battle, while I Company had only 8 men survive. When the Commander of the 36th Division, General Dahlquist, came to review the 442nd/100th and personally thanked them, he asked the Regiment Commander, Colonel Miller, "Where are the rest of the men?" Miller tearfully replied, "Sir, you're looking at the entire regiment . . . that's all that's left!" Nisei in the Pacific served their country as translators, interpreters and interrogators. They were credited with shortening the Pacific War by two years, saving a million American lives. They fought with a weapon unique to warfare—language—in such famous places as Corregidor, Okinawa, Guadalcanal and Iwo Jima along side the U.S. Marines as well as Merrill's Marauders in Burma. These Nisei were not only fighting fascism but also racism at home to free their loved ones and other fellow Japanese Americans. As the late President Harry Truman eloquently stated during the military ceremony presenting the seventh Presidential Unit citation to the 442nd/100th Regimental Combat Unit, "I can't tell you how much I appreciate the privilege of being able to show you how much the United States thinks of what you have done . . . you fought not only the enemy but you fought prejudice—and you won!" Nisei soldiers earned 18,143 individual decorations for valor, making the 442nd/100th the most decorated unit for its size and length of service in the annals of the United States. The United States Army selected the rescue of the Texas Lost Battalion in October, 1944 by the 442nd/100th Regimental Combat Unit as one of the ten most important battles in the U.S. history since the Revolutionary War. At the end of WW II, the U.S. Army decided to keep only two combat units in the reserve. Yes, you guessed it, the 100th and 442nd in the State of Hawaii.

We are here to celebrate a triumph of good over evil, and justice over injustice, acceptance over discrimination, and love over hate, it was a grand victory of the human spirit that prevailed at the end.

The Japanese American families had been a focus of facial solidarity through five years of war, fear and deprivation. Most Japanese American families were thinking their uncertain future in the concentration camps, but they are still here in their home called America. We should feel good about being Americans. It's good for us to know the future is still here with us. But we must learn a lesson about the fragility of the personal freedoms and constitutional rights that many Nisei soldiers died for and that we hold so dearly. Let's not forget that because of their sacrifices, the redress became reality in 1988 and we are readily accepted into the mainstream of society. Let's not forget our quiet heroes of Nisei veterans who are too often forgotten or overlooked. We have several Nisei veterans in our Las Vegas Chapter of JACL. When you see them, let's personally thank them for their sacrifices and service as American soldiers. We must remember the

sacrifices of all Americans of Japanese ancestry who endured the unendurable hardship, gave their lives to the country which had betrayed them, and worked hard to be "good" American citizens.

This Chapter President's message is dedicated to all Japanese Americans who lost their freedom and interned in the concentration camps and who served in the armed forces during World War II.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 188, 272, 286 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 547.

Bill read third time.

Remarks by Assemblyman Fettic.

Roll call on Assembly Bill No. 547:

YEAS—41.
NAYS—None.
Absent—Ernaut.

Assembly Bill No. 547 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 603.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 603:

YEAS—39.
NAYS—Ohrenschall.
Absent—Ernaut.
Not voting—Spitler.

Assembly Bill No. 603 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 413.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Senate Bill No. 413:

YEAS—40.
NAYS—Harrington.
Absent—Ernaut.

Senate Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 239.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 627.

Amend section 1, page 1, line 2, by deleting "$504,669" and inserting "$553,224".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 243.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 631.

Amend section 1, page 1, line 2, by deleting "$200,000" and inserting "$300,000".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 552.

Amend section 1, page 2, by deleting lines 1 through 6 and inserting: "*offender pursuant to NRS 209.246, the director shall authorize the state controller to transfer sufficient money from the offenders' store fund to the appropriate account in the state general fund to pay costs remaining unpaid, and the state controller shall make the transfer. Any money so transferred must be accounted for separately. The director shall cause the offenders' store fund to be reimbursed from the offender's individual account in the prisoners' personal property fund, as money becomes available.*".

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

"Sec. 2. NRS 209.225 is hereby amended to read as follows:

209.225 *1.* The director shall deposit the offenders' store fund with the state treasurer for investment. The interest and income earned upon the fund, after deducting any applicable charges, must be credited to the fund and may only be disbursed as authorized by the legislature.

2. The provisions of this chapter do not create a right on behalf of any offender to any interest or income that accrues on the money in the offenders' store fund. The provisions of this chapter do not establish a basis for any

cause of action against the state or against officers or employees of the state to claim ownership of any interest or income that accrues on the money in the offenders' store fund.".

Amend sec. 2, page 2, by deleting lines 12 through 15 and inserting:

"(a) State property willfully damaged , [or] destroyed *or lost* by the offender during his incarceration.

(b) Medical *examination, diagnosis or* treatment for injuries [inflicted] *:*

(1) Inflicted by the offender upon himself or [others.] *other offenders; or*".

Amend sec. 2, page 2, between lines 20 and 21, by inserting:

"*(e) Providing a funeral for an offender.*

(f) Providing an offender with clothing, transportation and money upon his release from prison pursuant to NRS 209.511.

(g) Transportation of an offender pursuant to a court order in cases other than a criminal prosecution, a proceeding for post-conviction relief involving the offender or a proceeding in which the offender has challenged the conditions of his confinement.

(h) Monetary sanctions imposed under the code of penal discipline adopted by the department.".

Amend sec. 2, page 2, by deleting lines 21 and 22 and inserting:

"2. Defray *, as determined by the director, a portion of the* costs paid by the department for medical care for the offender [.] *, including, but not limited to:*

(a) Except as otherwise provided in paragraph (b) of subsection 1, expenses for medical or dental care, prosthetic devices and pharmaceutical items; and

(b) Expenses for prescribed medicine and supplies.".

Amend sec. 2, page 2, by deleting line 24 and inserting: "[postage, paper, photocopying and the replacement of identification cards.] *:*

(a) Postage for personal items and items related to litigation;

(b) Photocopying of personal documents and legal documents;

(c) Legal supplies;

(d) Telephone calls charged to the department;

(e) Charges relating to checks returned for insufficient funds and checks for which an order to stop payment has been made;

(f) Items related to the offender's work, including, but not limited to, clothing, shoes, boots, tools, a driver's license or identification card issued by the department of motor vehicles and public safety, a work card issued by a law enforcement agency and a health card; and

(g) The replacement of an identification card or prepaid ticket for bus transportation issued to the offender by the department.

All money collected pursuant to this section must be deposited in the appropriate account in the state general fund for reimbursement of the related expenditure.".

Amend the bill as a whole by renumbering sec. 3 as sec. 6 and adding new sections designated sections 4 and 5, following sec. 2, to read as follows:

"Sec. 4. NRS 209.511 is hereby amended to read as follows:

209.511 1. When an offender is released from prison by expiration of his term of sentence, by pardon or by parole, the director:

(a) May furnish him with a sum of money not to exceed $100, the amount to be based upon the offender's economic need as determined by the director.

(b) Shall give him notice of the provisions of NRS 202.360 and 207.080 to 207.150, inclusive.

(c) Shall require him to sign an acknowledgment of the notice required in paragraph (b).

(d) May provide him with clothing suitable for reentering society.

(e) May provide him with the cost of transportation to his place of residence anywhere within the continental United States, or to the place of his conviction.

(f) Shall require him to submit to at least one test for exposure to the human immunodeficiency virus.

2. The costs authorized in paragraphs (a), (d), (e) and (f) of subsection 1 must be paid out of the appropriate account within the state general fund for the use of the department as other claims against the state are paid [.] *to the extent that the costs have not been paid in accordance with NRS 209.246 and subsection 5 of NRS 209.221.*

Sec. 5. On or before August 15, 1995, the director of the department of prisons shall, with the approval of the board of state prison commissioners, adopt all administrative regulations and procedures necessary to carry out the amendatory provisions of this act.".

Amend sec. 3, page 2, by deleting lines 25 through 27 and inserting:

"Sec. 6. This act becomes effective:

1. Upon passage and approval, for all purposes related to the adoption of administrative regulations and procedures which are made necessary by the amendatory provisions of this act; and

2. On August 15, 1995, for all other purposes.".

Amend the title of the bill to read as follows:

"An Act relating to the department of prisons; authorizing the director of the department to charge an offender for certain additional costs; authorizing the transfer of money from the offenders' store fund to pay certain unpaid costs assessed to an offender; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "medical" and inserting "certain".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 553.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 617.

Amend section 1, page 1, line 16, after "*in a*" by inserting: "*direct, legal or ethical*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 27.

Resolution read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 511.

Amend the resolution, page 1, line 2, by deleting "3,".

Amend the resolution, pages 1 and 2, by deleting lines 21 through 25 on page 1 and lines 1 through 15 on page 2.

Amend the title of the resolution, third line, by deleting "election." and inserting: "election and to revise certain provisions relating to the commission on judicial selection.".

Amend the summary of the resolution to read as follows:

"Summary—Proposes to amend Nevada constitution to revise provisions relating to selection of judges. (BDR C-1166)".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Assemblyman Anderson moved that Assembly Joint Resolution No. 27 be taken from the General File and re-referred to the Committee on Judiciary.

Assemblyman Giunchigliani moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:28 p.m.

ASSEMBLY IN SESSION

At 12:30 p.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Anderson and Close.

Motion lost.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 178.

Bill read second time and ordered to third reading.

Senate Bill No. 293.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 468.

Amend sec. 7, page 3, line 28, by deleting: "primary, general or special" and inserting: "primary [, general or special] *or general*".

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

"Sec. 8. NRS 450.520 is hereby amended to read as follows:

450.520 1. For the purposes of NRS 450.043, 450.060 [, 450.280 and 450.425,] *and 450.280,* a special election may be held only if the board of county commissioners determines, by a unanimous vote, that an emergency exists.

2. The determination made by the board is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final.

3. As used in this section, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the board to prevent or mitigate a substantial financial loss to the county or to enable the board to provide an essential service to the residents of the county.".

Amend the title of the bill, third line, after "established;" by inserting: "requiring approval at a primary or general election for an ad valorem tax levy to pay the cost of services to certain persons admitted for emergency treatment;".

Assemblyman Monaghan moved the adoption of the amendment.

Remarks by Assemblyman Monaghan.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 348.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 22, 44, 267, 280, 327, 358; Assembly Joint Resolution No. 13; Senate Bill No. 15.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that Assemblyman Price's remarks be entered in the Journal.

Thank you, Mr. Speaker. One of our colleagues, earlier this week, received a very prestigious honor at the university. I thought it would be appropriate to recognize her, Patricia Tripple.

Patricia A. Tripple, Ed.D., has served the university for 40 years as dean of the School of Home Economics and as a professor of home economics. She joined the university in 1955 and became an administrator in 1964, serving as home economics state leader for Cooperative Extension. From 1969 to 1977, she was dean of the School of Home Economics. She later served as the school's graduate program coordinator.

She has served as chairwoman for the following university committees: Interdisciplinary Gerontology Curriculum, Agricultural Experiment Station Research and Graduate

Faculty. She has also been a member of the Community Advisory Board for the Graham and Jean Sanford Center for Aging, the Survey Research Center Advisory Committee and the School of Home Economics Personnel Committee.

She currently serves as a Nevada state assemblywoman and is vice chair of the Education Committee. She is a member of the Assembly's Government Affairs, Transportation and Health and Human Services Committees.

A member of a variety of national organizations devoted to home economics and issues related to aging, she has written or contributed to 100 published articles and made more than 50 presentations at professional meetings. She was appointed to the Nevada Board of Examiners for Nursing Home Administrators and the Governor's Northern Nevada Advisory Council for Older American Programs.

For her many years of service to this university, for her dedication to education and scholarly achievement, and for the esteem in which she is held by her colleagues, the UCCSN Board of Regents has unanimously approved a recommendation that Patricia A. Tripple be promoted to the position of Professor of Home Economics, Emeritus.

I'm very proud to serve with Pat, as I'm sure we all are.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Vickie Peterson.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Jessie Fife, III.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to John Scire.

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to Jedgar Wakayama.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to David C. Eisenberg, Karen E. Eisenberg, Rozita Villanueva Lee, George Goto, Vida Lin, Nick Warque, Joy Guideng, Belen Gabato, Remy Caballero, Rita Vaswani, Sotero Fabella, Supatra Chemprachum, Abraham Velasco, Vilma Gorre, Paul Gorre, Chip Oddo, R. D. Prabhu, Bashir Chowdhry, Kay Chowdhry, Golam Choudhury, Shanilla Choudhury, Martin Celemin, Evelyn Sayre, Ngoc Nguyen, Rubina Zahid, Hae Un Lee, Stewart Bell, Ed Wakayama, George Peck, Ben Nakagawa, Alicia Clement, David Woo, Gloria Libang, Tony Sin, Alice Pena, Max Pena, Shu Lan, Paul Tholl, Mei Herbert, Enrico Javier, Lydia Svetich and Rebecca Leron.

Assemblyman Perkins moved that the Assembly adjourn until Monday, May 29, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:46 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-FOURTH DAY

CARSON CITY (Monday), May 29, 1995

Assembly called to order at 11:15 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Max Jones.

Our Eternal Heavenly Father: It is with humility we pause in this busy life and offer our obligations to Thee. We give thanks for this State of Nevada and our beautiful land of America. May both always be free. We honor the men and women who have given their lives to keep our land free. We thank You Father for the Constitution, for the guidelines it puts in our lives. We thank You for honest men with integrity in this Assembly. May they have peace of mind knowing they have done their best toward their constituents. In the Name of He who is the advocate with the Father. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 230, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 220, 227, 229, 234; Senate Bill No. 201, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which were referred Assembly Bills Nos. 88, 177, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 71, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA TIFFANY, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 26, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 40.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 136, 206, 436, 454, 460, 465.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 301.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 6.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Assembly Bill No. 177 be placed on the Chief Clerk's desk.

Motion carried.

Assembly Concurrent Resolution No. 11.

Resolution read.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 283.

Amend the resolution, pages 1 and 2, by deleting lines 9 through 27 on page 1 and lines 1 through 15 on page 2 and inserting:

"*1. A complaint which alleges a violation or a prospective violation of:*

(a) The requirement in section 15 of article 4 of the constitution of the State of Nevada that all meetings of legislative committees be open to the public; or

(b) The rules concerning meetings of legislative committees that are applicable to the House in which a meeting is held,

must be in writing and signed by the person making the allegation.

2. The complaint must be filed with the Director of the Legislative Counsel Bureau not later than 3 legislative days after the alleged violation. The Director shall review the complaint to determine whether it alleges facts which, if true, would constitute a violation of the constitutional requirement that meetings of legislative committees be open to the public or of the rules concerning meetings of legislative committees that are applicable to the House in which the meeting was held.

3. If the Director determines that the complaint does not allege facts which, if true, would constitute a violation, he shall return the complaint to the person who filed the complaint and indicate that the complaint is not within the purview of this rule. The determination of the Director may be

appealed to the Speakers of the Assembly, if the complaint involves an Assembly committee, or the Majority Leader of the Senate, if the complaint involves a Senate committee.

4. If the Director determines that the complaint alleges facts which, if true, would constitute a violation, or if upon appeal the Speakers or the Majority Leader so determine, the Director shall transmit a copy of the complaint, within 1 legislative day after the determination, to the committee responsible for hearing the complaint and the legislator against whom the complaint was filed.

5. Except as otherwise provided in this subsection, the Committee on Elections and Procedures shall hear a complaint which alleges a violation by an Assemblyman. If the complaint alleges a violation by the Committee on Elections and Procedures, the complaint must be heard by a committee consisting of the Speakers, Democrat Floor Leader and Republican Floor Leader of the Assembly or their designees.

6. Except as otherwise provided in this subsection, the Committee on Legislative Affairs and Operations shall hear a complaint which alleges a violation by a Senator. If the complaint alleges a violation by the Committee on Legislative Affairs and Operations, the complaint must be heard by a committee consisting of the President pro Tem, Majority Leader and Minority Leader of the Senate or their designees.

7. Except as otherwise provided in subsection 8, a hearing must be held as soon as practicable after the filing of the complaint. The complainant and the legislator against whom the complaint was filed may present the testimony of witnesses and other evidence at the hearing. If oral statements are made at the hearing, they must be made under oath. Strict rules of evidence do not apply at the hearing.

8. If the complaint alleges only a violation of the rules concerning meetings of legislative committees, a hearing must not be held and no further action may be taken if the legislator against whom the complaint was filed:

(a) Takes corrective action before a meeting of a committee is held in violation of the rules; or

(b) Acknowledges in writing a violation of the rules and agrees to refrain from violating the rules in the future.

9. If the committee hearing a complaint determines that a meeting has been held in violation of the requirement that all meetings of legislative committees be open to the public or of the rules concerning meetings of legislative committees that are applicable to the House in which the meeting was held, the committee shall determine the appropriate remedy for the violation. In determining an appropriate remedy, the committee shall consider the severity of the violation, whether previous violations have occurred, and the degree of harm resulting from the violation. The committee may:

(a) Issue a letter of reprimand or take other punitive measures;

(b) Require that another hearing be conducted on any issue or legislation heard or considered at the meeting in question, or that some other remedial action be taken; or

(c) If the violation was minor and no harm is shown to have resulted therefrom, determine that no action is necessary to remedy the violation and no punishment is appropriate under the circumstances.

The committee shall notify the legislator against whom the complaint was filed of its proposed ruling before taking any action on that ruling.

10. If the legislator against whom the complaint was filed objects to the proposed ruling of the committee, he may appeal the matter to the House for its resolution of the complaint by filing a notice of appeal with the Chief Clerk of the Assembly or the Secretary of the Senate within 1 legislative day after being notified of the proposed ruling. If the legislator does not file a notice of appeal within the time allowed, the ruling of the committee becomes final and the committee shall take the action proposed.

11. The filing of a complaint pursuant to this rule does not prevent any action from being taken with respect to legislation considered at the meeting at which the alleged violation occurred. A determination pursuant to subsection 9 that a violation has occurred does not affect the validity of any legislation heard or considered at the meeting in question.".

Amend the title of the resolution, third line, by deleting "constitutional".

Amend the summary of the resolution, second line, by deleting "constitutional".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Assembly Concurrent Resolution No. 37.

Assemblyman Segerblom moved the adoption of the resolution.

Remarks by Assemblymen Segerblom and Dini.

Resolution adopted.

Senate Joint Resolution No. 6.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Assemblyman Marvel moved that Assembly Bill No. 430 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 666—An Act relating to traffic laws; revising certain requirements for an evaluation of a person convicted of driving under the influence of intoxicating liquor or a controlled substance to determine if he is an abuser of alcohol or other drugs; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Hettrick:

Assembly Bill No. 667—An Act relating to real estate transactions; requiring title insurers, title agents and escrow officers to verify that a qualified intermediary is registered with the real estate division of the department of business and industry before engaging in a real estate transaction in which the qualified intermediary is involved; and providing other matters properly relating thereto.

Assemblyman Ernaut moved that the bill be referred to the Committee on Commerce.

Motion carried.

By Assemblyman Fettic (by request):

Assembly Bill No. 668—An Act relating to taxes on retail sales; providing for the submission to the voters of the question whether the Sales and Use Tax Act of 1955 should be amended to continue an exemption for the gross receipts from the sale of tangible personal property by certain organizations created for religious, charitable or eleemosynary purposes; prohibiting the department of taxation from collecting the sales and use tax from such organizations unless the question is defeated by the voters; and providing other matters properly relating thereto.

Assemblyman Fettic moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

Senate Bill No. 136.

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

Motion carried.

Senate Bill No. 206.

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

Motion carried.

Senate Bill No. 301.

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

Motion carried.

Senate Bill No. 436.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 454.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 460.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 465.

Assemblyman Ernaut moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 238.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 630.

Amend section 1, page 1, line 3, by deleting "$215,000" and inserting "$237,200".

Amend section 1, page 1, line 4, by deleting the period and inserting: ", of which $22,200 must be expended for preburial vaults.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 275.

Bill read second time and ordered to third reading.

Senate Bill No. 290.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 14.

Resolution read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Senate Joint Resolution No. 14 be placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 244.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 244:

YEAS—41.

NAYS—Harrington.

Assembly Bill No. 244 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 303.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 303:

YEAS—42.

NAYS—None.

Assembly Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 333.

Bill read third time.

Remarks by Assemblymen Anderson, Dini and Monaghan.

Roll call on Assembly Bill No. 333:

YEAS—42.

NAYS—None.

Assembly Bill No. 333 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 486.

Bill read third time.

Remarks by Assemblyman Allard.

Roll call on Assembly Bill No. 486:

YEAS—42.

NAYS—None.

Assembly Bill No. 486 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 554.

Bill read third time.

Remarks by Assemblyman Bennett.

Potential conflict of interest declared by Assemblyman Nolan.

Roll call on Assembly Bill No. 554:

YEAS—42.

NAYS—None.

Assembly Bill No. 554 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Assembly Bill No. 443 be placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 149.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Senate Bill No. 149:
YEAS—42.
NAYS—None.

Senate Bill No. 149 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 178.
Bill read third time.
Remarks by Assemblymen Bennett, Ernaut, Buckley, Humke, Price and Dini.
Roll call on Senate Bill No. 178:
YEAS—42.
NAYS—None.

Senate Bill No. 178 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 186.
Bill read third time.
Remarks by Assemblyman Tripple.
Roll call on Senate Bill No. 186:
YEAS—42.
NAYS—None.

Senate Bill No. 186 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 188.
Bill read third time.
Remarks by Assemblyman Nolan.
Roll call on Senate Bill No. 188:
YEAS—42.
NAYS—None.

Senate Bill No. 188 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 272.
Bill read third time.
Remarks by Assemblyman Manendo.
Roll call on Senate Bill No. 272:
YEAS—42.
NAYS—None.

Senate Bill No. 272 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 286.
Bill read third time.
Remarks by Assemblymen Steel, Giunchigliani, Chowning and Price.
Roll call on Senate Bill No. 286:
YEAS—42.
NAYS—None.

Senate Bill No. 286 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 348.
Bill read third time.
Remarks by Assemblymen Fettic and Giunchigliani.
Roll call on Senate Bill No. 348:
YEAS—42.
NAYS—None.

Senate Bill No. 348 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 12.
Resolution read third time.
Remarks by Assemblyman Bennett.
Roll call on Senate Joint Resolution No. 12:
YEAS—42.
NAYS—None.

Senate Joint Resolution No. 12 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Resolution ordered transmitted to the Senate.

Assembly Bill No. 430.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Assembly Bill No. 430:
YEAS—42.
NAYS—None.

Assembly Bill No. 430 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 443.
Bill read second time.
The following amendment was proposed by the Committee on Education:
Amendment No. 548.

Amend section 1, page 1, by deleting lines 3 through 5 and inserting:

"*1. To the extent of legislative appropriation, the board of regents shall pay all registration fees, laboratory fees and expenses for required textbooks and course materials assessed against or incurred by a dependent child of a police officer, fireman or officer of the Nevada highway patrol who was killed in the line of duty for classes*".

Amend section 1, page 1, line 10, after "2." by inserting: "*There is hereby created in the state treasury a trust fund for the education of dependent children. The board of regents shall administer the trust fund. The board of regents may accept gifts and grants for deposit in the trust fund. All money held by the state treasurer or received by the board of regents for that purpose must be deposited in the trust fund. The money in the trust fund must be invested as the money in other state funds is invested. After deducting all applicable charges, all interest and income earned on the money in the trust fund must be credited to the trust fund.*

3.".

Amend sec. 2, page 1, by deleting lines 19 through 21 and inserting:

"Sec. 2. 1. There is hereby appropriated from the state general fund to the trust fund for the education of dependent children created pursuant to section 1 of this act:

For the fiscal year 1995-96 ..... $10,000

For the fiscal year 1996-97 ..... $10,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the title of the bill to read as follows:

"An Act relating to higher education; establishing a program to pay the registration fees and other related costs for classes taken at the University and Community College System of Nevada by dependent children of certain peace officers and firemen killed in the line of duty; making an appropriation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Establishes program to pay fees and other related costs for classes taken at University and Community College System of Nevada by dependent children of certain public employees killed in line of duty. (BDR 34-1698)".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Assemblyman Williams moved that Assembly Bill No. 443 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Assembly Bill No. 259 be taken from the Chief Clerk's desk and placed on the bottom of the Second Reading File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 261.

The following Senate amendment was read:

Amendment No. 397.

Amend sec. 2, page 2, by deleting lines 23 through 28 and inserting:

"*4. A dental hygienist may, pursuant to regulations adopted by the board, administer local anesthesia or nitrous oxide in a health care facility, as defined in NRS 449.800, if:*

(a) He is so authorized by the licensed dentist of the patient to whom the local anesthesia or nitrous oxide is administered; and

(b) The health care facility has licensed medical personnel and necessary emergency supplies and equipment available when the local anesthesia or nitrous oxide is administered.".

Amend the title of the bill, second line, by deleting the semicolon and inserting: "and to administer local anesthesia or nitrous oxide under certain conditions;".

Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 261.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 409; Assembly Joint Resolution No. 31; Senate Bill No. 90.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Asheli A. Daniels.

Assemblyman Ernaut moved that the Assembly adjourn until Tuesday, May 30, 1995 at 11 a.m., and that it do so in memory of all Nevadans who have died in the line of duty protecting this country, both domestically and abroad.

Motion carried.

Assembly adjourned at 12:28 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-FIFTH DAY

CARSON CITY (Tuesday), May 30, 1995

Assembly called to order at 11:07 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, Mr. Bob Ellison.

Our Father in Heaven, we come before Thee, grateful for the many blessings that Thou hast given us. We are grateful for the opportunities given to us as citizens of this great land, filled with its freedoms and the opportunity to govern ourselves. We give Thee thanks for the peace and prosperity of this state, for the beauty of this part of Thy vineyard and for the opportunity to serve one another.

As we begin this day of deliberations and concerns for the welfare of the state, we seek the insight, concern, understanding and reason that will serve us as we seek to serve others. We pray for the inspiration to do Thy will, to choose the right in all things and to have the strength to stand by those choices. We seek Thy guidance upon this Assembly in all its business this day.

We desire a special consideration at this time of loss for the family of Sparks Police Officer, Larry Johnson. We pray for Thy spirit of love to be upon his family to console them in their grief this day. May they be blessed with understanding as so many people pay tribute to this good man today. May they find peace in their hearts as they ponder how he gave his life in the service of others and in the enforcement of those laws created by this governing institution.

As the standards are considered this day by which our society is to be governed, may we be ever mindful of their true need and of the ramifications and benefits they will have in the lives of the citizens of this great state.

This I pray in the Name of my Savior, Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 586, 608; Senate Bill No. 100, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 46, 328, 435; Senate Bill No. 225, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Natural Resources, Agriculture and Mining.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Government Affairs.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Economic Development and Tourism, to which was referred Assembly Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DIANNE STEEL, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 477, 478, 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Transportation.

LARRY SPITLER, *Chairman*

Mr. Speaker:

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

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 29, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 40, 106, 302, 362.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 144, 161, 163, 415.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Lambert moved that Assembly Bill No. 144 be placed on the Second Reading File.

Motion carried.

Assemblyman Lambert moved that Assembly Bill No. 266 be placed on the Second Reading File.

Motion carried.

Assemblyman Spitler moved that Senate Bill No. 332 be re-referred to the Committee on Transportation.

Motion carried.

Assemblyman Stroth moved that Senate Joint Resolution No. 14 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Freeman moved that Assembly Bill No. 177 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Resolution No. 10—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Mary E. Sitts is elected as an additional attaché of the Assembly for the 68th session of the Legislature of the State of Nevada.

Assemblyman Close moved the adoption of the resolution.

Remarks by Assemblyman Close.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 669—An Act relating to counties; granting exclusive control of all matters relating to the construction, repair and maintenance of public highways, roads and bridges to the board of county commissioners in certain counties; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 670—An Act relating to public records; authorizing local governments to provide and charge for electronic access thereto; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 671—An Act relating to taxation; providing an exemption from the property tax for tangible personal property purchased by a business which will be consumed during the operation of the business; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Taxation.

Motion carried.

By the Committee on Taxation:

Assembly Bill No. 672—An Act relating to taxation; revising the provisions governing the taxation of property that is exempt from taxation when it is leased to an entity which is not exempt from taxation; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Taxation.

Motion carried.

By Assemblymen Dini and de Braga:

Assembly Bill No. 673—An Act relating to livestock; reducing the number of brand inspections required of livestock that is routinely moved within this state for participation in a rodeo; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 674—An Act relating to shooting ranges; providing for the adoption of operational practices of shooting ranges by the adjutant general; providing certain immunities; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 144.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 161.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 163.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 415.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 95; Senate Bill No. 155, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 212.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 613.

Amend sec. 3, page 2, line 30, by deleting "*25.00*" and inserting "*23.00*".

Amend sec. 3, page 2, by deleting lines 31 through 33.

Amend sec. 3, page 2, line 34, by deleting "*40.00*" and inserting "*38.00*".

Amend sec. 3, page 3, line 13, by deleting "100" and inserting "[100] *110*".

Amend sec. 3, page 3, line 19, by deleting "*11*" and inserting "*15*".

Amend sec. 3, page 3, line 21, by deleting "*4*" and inserting "*5*".

Amend sec. 4, pages 3 and 4, by deleting line 48 on page 3 and lines 1 through 4 on page 4 and inserting: "*tion for a license* and:

[(a) Is 65 years of age or older; or

(b)] *(1)* Has a severe physical [handicap.] *disability; or*

(2) Has attained his 12th birthday but has not attained his 16th birthday; or

(b) Continuously for 5 years immediately preceding the date of this appli-".

Amend sec. 5, page 4, by deleting lines 23 through 26 and inserting:

"*(a) Is under the age of 12 years; or*

(b) Is 65 years of age or older.".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 220.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 227.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 229.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 234.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 71.

Bill read second time and ordered to third reading.

Senate Bill No. 201.

Bill read second time and ordered to third reading.

Senate Bill No. 230.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 479.

Amend section 1, page 1, line 6, after "*of*" by inserting: "*, or the enhancement of habitats for,*".

Amend sec. 3, page 2, line 42, by deleting "*18*" and inserting: "*not more than 12*".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:28 a.m.

ASSEMBLY IN SESSION

At 11:43 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 531 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 91 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Price:

Assembly Bill No. 675—An Act relating to electricians; creating the board of electricians' examiners; prescribing the duties and powers of the board; providing for licensing and disciplinary actions; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 269.

Amend section 1, page 1, by deleting lines 3 through 5 and inserting:

"*1. The supreme court may sit, hear and decide cases in randomly selected panels of three justices.*".

Amend sec. 3, page 2, by deleting lines 15 through 20 and inserting:

"*4. At the general election in 1996, two additional justices must be chosen for terms of 4 years which expire on the first Monday in January 2001.*

5. At the general election in 1996, and every sixth year respectively thereafter, in addition to the justices elected pursuant to subsection 4, two justices".

Amend sec. 4, page 2, by deleting lines 46 and 47 and inserting:

"*4. The justices elected pursuant to subsection 4 of NRS 2.030 and their respective succes-*".

Amend sec. 6, page 3, by deleting line 11 and inserting:

"Sec. 6. 1. This section and section 1 of this act become effective on July 1, 1995.

2. Section 3 of this act becomes effective on January 1, 1996.

3. Sections 2, 4 and 5 of this act become effective on January 1, 1997.".

Amend the title of the bill, second line, by deleting: "initial appointment and subsequent".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblymen Humke, Price, Steel, Perkins, Carpenter, Manendo and Batten.

Assemblymen Giunchigliani, Allard and Bache moved the previous question.

Motion carried.

The question being on the motion to adopt Amendment No. 269 to Assembly Bill No. 259.

Assemblymen Ernaut, Humke and Anderson requested a roll call on Assemblyman Humke's motion.

Roll call on Assemblyman Humke's motion:

YEAS—22.

NAYS—Anderson, Arberry, Bache, Buckley, Chowning, de Braga, Evans, Freeman, Giunchigliani, Goldwater, Krenzer, Manendo, Ohrenschall, Perkins, Price, Schneider, Segerblom, Spitler, Williams, Mr. Speaker Dini—20.

The motion having received a majority, Mr. Speaker declared it carried.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 144.

Bill read second time.

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

Amendment No. 547.

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

"Section 1. NRS 277.067 is hereby amended to read as follows:

277.067 1. Any two or more political subdivisions of this state, agencies of the state or the University and Community College System of Nevada may enter into a cooperative agreement for the purchase of insurance or the establishment of a self-insurance reserve or fund for coverage under a plan of:

(a) Casualty insurance, [other than workmen's compensation and employer's liability,] as that term is defined in NRS 681A.020;

(b) Marine and transportation insurance, as that term is defined in NRS 681A.050;

(c) Property insurance, as that term is defined in NRS 681A.060;

(d) Surety insurance, as that term is defined in NRS 681A.070; [or]

(e) *Health insurance, as that term is defined in NRS 681A.030; or*

(f) Insurance for any combination of these kinds of protection.

2. Any such agreement may obligate the respective parties to pledge revenues or contribute money to secure the obligations or pay the expenses of the cooperative undertaking and may provide for the establishment of a separate entity to administer the undertaking.

Sec. 2. NRS 277.069 is hereby amended to read as follows:

277.069 1. Except as otherwise provided in subsections 2 and 3, any party to an agreement entered into pursuant to NRS 277.067, or any entity established by such an agreement, may:

(a) Obligate itself to contribute money for the purchase of insurance, the establishment of a reserve or fund for coverage, the payment of any debt, or for any other purpose related to the undertaking;

(b) Borrow money for any such purpose;

(c) Issue notes and bonds evidencing the borrowing; and

(d) Secure payment of the notes and bonds by a pledge of revenues.

2. Except as otherwise provided in subsection 3, any obligation to contribute money which is undertaken pursuant to a cooperative agreement:

(a) Is binding notwithstanding that it is intended to remain in force beyond the current budget year or the terms of office of the present members of the governing body of the obligor.

(b) If undertaken to pay any debt, does not remain in force more than 30 years after the date of the borrowing.

(c) If undertaken to pay claims and administrative expenses, does not remain in force more than [5] *10* years, except with respect to claims arising from occurrences during the period it is in force.

3. Except for a pledge of revenues or obligation to contribute money which pledges revenues or commits money derived from a source other than taxation, any pledge or obligation which is made or undertaken pursuant to a

cooperative agreement by an agency of the state or the University and Community College System of Nevada does not remain in force after the end of the biennium in which it is made or undertaken.

Sec. 3. This act becomes effective on July 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to cooperative agreements; authorizing certain public employers to enter into cooperative agreements concerning workmen's compensation, employer's liability or health insurance which obligate the employers to pledge revenues or contribute money to secure certain obligations; increasing the number of years an obligation to contribute money which is undertaken pursuant to a cooperative agreement concerning insurance may remain in force; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions relating to cooperative agreements concerning insurance. (BDR 22-811)".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Assemblyman Lambert moved that Assembly Bill No. 144 be re-referred to the Committee on Government Affairs.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Government Affairs.

Assembly Bill No. 266.

Bill read second time.

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

Amendment No. 570.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 4 and the text of the repealed section, following the enacting clause, to read as follows:

"Section 1. NRS 459.744 is hereby amended to read as follows:

459.744 *1.* The commission shall establish by regulation:

[1.] *(a)* A schedule of fees for its services and regulatory activities. The fees must be set at an amount which approximates the cost to the commission of performing those services and activities.

[2.] *(b)* A fee, not to exceed $5,000 per year, to be paid by each person who stores an extremely hazardous material in an amount greater than the threshold planning quantity established for such material in Appendix A or B of Part 355 of Title 40 of the Code of Federal Regulations. The fee must include:

[(a)] *(1)* A filing fee for each facility in which such material is stored; and

[(b)] *(2)* A surcharge for each ton of such material stored in excess of 1 ton,

and must be paid on or before March 30 of each year for the preceding calendar year.

[3.] *(c)* A fee, not to exceed $2,000 per year, to be paid by each person who manufactures for transport an extremely hazardous material in an amount greater than the threshold planning quantity established for such material in Appendix A or B of Part 355 of Title 40 of the Code of Federal Regulations. The fee must include:

[(a)] *(1)* A filing fee for each facility in which such material is manufactured; and

[(b)] *(2)* A surcharge for each ton of such material which is manufactured for transport in this state,

and must be paid on or before January 31 of each year for the preceding calendar year.

(d) A reporting fee of $500 to be paid by each person who is required to submit a toxic chemical release form pursuant to Public Law 99-499, which becomes due upon the filing of the form.

2. The commission shall not require any person to pay more than $5,000 in fees imposed pursuant to subsection 1 for any calendar year.

Sec. 2. NRS 459.775 is hereby amended to read as follows:

459.775 Any person who:

1. Transports a hazardous material in a motor vehicle without a valid permit;

2. Transports a hazardous material in a motor vehicle that has not been inspected pursuant to the regulations of the department;

3. Fails to carry the permit or a copy of the permit in the driver's compartment of the motor vehicle if required to do so by a regulation of the department;

4. Transports a hazardous material in a motor vehicle under an expired permit;

5. Violates any of the terms or conditions of a permit issued by the division; or

6. Fails to pay when due any fee established pursuant to NRS 459.744 , [or 459.746,]

is guilty of a misdemeanor.

Sec. 3. NRS 459.746 is hereby repealed.

Sec. 4. This act becomes effective:

1. Upon passage and approval for the purpose of adopting any regulations necessary to carry out the amendatory provisions of this act; and

2. On January 1, 1996, for all other purposes.

TEXT OF REPEALED SECTION

459.746 Payment of reporting fee. A reporting fee of $500 must be paid to the commission by all persons who are required to submit a toxic chemical release form pursuant to Public Law 99-499, except that a person must not be required to pay more than $5,000 in reporting fees in any calendar year. The fee becomes due upon the filing of the form.''.

Amend the title of the bill to read as follows:

"An Act relating to hazardous materials; requiring the state emergency response commission to impose a reporting fee; placing a limitation on the total amount of fees a person is required to pay annually to the state emergency response commission; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires state emergency response commission to impose reporting fee and places limitation on total amount of fees person is required to pay annually to state emergency response commission. (BDR 40-432)".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Assemblyman Lambert moved that Assembly Bill No. 266 be re-referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Natural Resources, Agriculture and Mining.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 42.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 42.

Assemblyman Neighbors moved the adoption of the resolution.

Remarks by Assemblymen Neighbors, Carpenter, Price and Mr. Speaker Dini.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Speaker. It is an honor for me to say a few words about Nevada's friend, Bill Beko. I consider myself fortunate, indeed, to have known Bill and to have had him as a friend.

Judge Beko was a gentle giant; and as tough as he could be. Dispensing justice is no easy task. Bill was as gentle as a teddy bear under that tough exterior. I can count the times he did things for others, both as full-time judge and later as the senior judge who rode the circuit. Bill Beko was Nevada through and through.

Bill never shrank from the tough challenges as Nye County's District Attorney some years ago. He tried to change the profit businesses at the Nevada Test Site to take their share of property taxes the same as we did. He won that landmark case and brought millions of dollars, both to the state and to the county. A lot of other people would have shrunk from that challenge, but not Bill Beko.

There is no doubt that Bill Beko was pure Nevadan. He is woven permanently into the history of our state and into our hearts. He loved his work, our country and state, and he loved a good time.

I went fishing with him on numerous occasions in Oregon. I remember fishing Walker Lake about six months ago. He always had this contest where we bet on who caught the first and biggest fish. I recall on that day that he won both, as he caught the one and only fish.

Rural Nevada is very special. It needs solid and compassionate people. My friend Bill Beko was one of those and much more. We, as well as his beloved state, will miss him deeply. Our hearts go out to his wife Dorothy, daughter Victoria and son Tom. The loss of Bill is their loss, first and foremost, but also our loss and the state's loss. But in a much broader sense, Bill Beko is all of our gain. For in the final analysis, the plain fact is, we are all better off for having known this great friend. Our lives are much better off for having known him. Please welcome his family, Dorothy, Vicki and Tom. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution No. 42. I knew Judge Beko when he was the District Attorney in Nye County. At that time, I was on the Elko County Commission and often the county commissioners and district attorneys would hold their meetings together. I was always impressed with Judge Beko's thinking. He was truly a rural Nevadan.

Judge Beko was appointed to the judgeship when another good friend of mine had passed away, Judge Pat Mann. One time in Elko, I was involved in a case where Judge Beko was the visiting judge. He thought our case was not too meritorious, and so he firmly called us aside and said, "You have to settle this deal right now." And believe me, we did. Judge Beko was a great man and truly an outstanding Nevadan, especially one for rural Nevada.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution No. 42. I, like many Nevadans, have known Bill for a very, very long time. Our relationship did not relate to the legal profession. Back in 1959 or 1960, I was living in Tonopah, working at the test site and playing city league basketball. Bill was the coach for our team. I might add, he was in good shape and probably could have given the Governor a good game. I was very saddened when Bill passed away, and my condolences to the family. Bill will be sorely missed by Nevada and his friends.

Speaker Dini requested the privilege of the floor for the purpose of making the following remarks:

I knew Bill for many, many years while at the university. Bill was working for a mutual friend of ours, Bonnette Novelty Company, on the graveyard shift. He ran change and took care of the slot machines, and that is where I first met him. Our mutual friend was Al Figoni in Reno. We became friends and ran across each other many times, especially in Hawthorne, because we had many mutual friends there. We chased around the Democratic Party sometimes and chatted, but he was always my friend. A couple of years ago, he was sitting in Yerington as a visiting judge on an important case, and I thought he showed real leadership among the district court judges in this state. He was respected by everybody who had anything to do with him. His loss is a great loss to the State of Nevada. My condolences to the family.

Resolution adopted unanimously.

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

Assembly in recess at 12:09 p.m.

ASSEMBLY IN SESSION

At 12:34 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Neighbors moved that the vote whereby Amendment No. 269 to Assembly Bill No. 259 was adopted be rescinded.

Remarks by Assemblymen Neighbors, Batten and Carpenter.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 259.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 269.

Amend section 1, page 1, by deleting lines 3 through 5 and inserting:

"*1. The supreme court may sit, hear and decide cases in randomly selected panels of three justices.*".

Amend sec. 3, page 2, by deleting lines 15 through 20 and inserting:

"*4. At the general election in 1996, two additional justices must be chosen for terms of 4 years which expire on the first Monday in January 2001.*

5. At the general election in 1996, and every sixth year respectively thereafter, in addition to the justices elected pursuant to subsection 4, two justices".

Amend sec. 4, page 2, by deleting lines 46 and 47 and inserting:

"*4. The justices elected pursuant to subsection 4 of NRS 2.030 and their respective succes-*".

Amend sec. 6, page 3, by deleting line 11 and inserting:

"Sec. 6. 1. This section and section 1 of this act become effective on July 1, 1995.

2. Section 3 of this act becomes effective on January 1, 1996.

3. Sections 2, 4 and 5 of this act become effective on January 1, 1997.".

Amend the title of the bill, second line, by deleting: "initial appointment and subsequent".

Assemblyman Humke moved the adoption of the amendment.

Assemblymen Ernaut, de Braga and Allard moved the previous question.

Motion carried.

The question being on the motion to adopt Amendment No. 269 to Assembly Bill No. 259.

Assemblymen Ernaut, Giunchigliani and Bache requested a roll call on Assemblyman Humke's motion.

YEAS—21.

NAYS—Anderson, Arberry, Bache, Buckley, Chowning, de Braga, Evans, Freeman, Giunchigliani, Goldwater, Krenzer, Manendo, Neighbors, Ohrenschall, Perkins, Price, Schneider, Segerblom, Spitler, Williams, Mr. Speaker Dini—21.

The motion having failed to receive a majority, Mr. Speaker declared the amendment lost.

Bill ordered engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 88.
Bill read third time.
Remarks by Assemblyman Fettic.
Roll call on Assembly Bill No. 88:
YEAS—42.
NAYS—None.

Assembly Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 239.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Assembly Bill No. 239:
YEAS—42.
NAYS—None.

Assembly Bill No. 239 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 243.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Assembly Bill No. 243:
YEAS—36.
NAYS—Allard, Harrington, Steel, Stroth, Tiffany, Mr. Speaker Hettrick—6.

Assembly Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 389.
Bill read third time.
Remarks by Assemblyman Hettrick.
Roll call on Assembly Bill No. 389:
YEAS—42.
NAYS—None.

Assembly Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 553.
Bill read third time.
Remarks by Assemblyman Carpenter.
Roll call on Assembly Bill No. 553:
YEAS—42.
NAYS—None.

Assembly Bill No. 553 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 27.

Resolution read third time.

Remarks by Assemblymen Close, Humke, Steel, Carpenter and Ohrenschall.

Assemblyman Close requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. Assembly Joint Resolution No. 27 proposes to amend the Nevada Constitution to revise the provisions relating to the selection of a Supreme Court Justice or a District Court Judge.

With this legislation, a judge whose term of office expires on or after December 31, 1999, and who declares his candidacy for another term of office, must not be opposed by another candidate. Rather, the justice or district judge would serve another six-year term if a majority of the voters approve the question of retention in office. Any vacancy that is caused when a justice or district judge does not seek another term, or when a majority of the votes are cast against retention, is filled by appointment in the manner now provided in the Constitution. Such appointments are made by the Commission on Judicial Selection and Review. The structure and duties of such are changed by Assembly Joint Resolution No. 27. In place of current constitutional provisions, the Legislature would be required to provide by law for the number, qualifications, appointment, compensation and terms of office of the commissioners, not more than two-fifths of whom may be licensed attorneys in Nevada. Additionally, the commission would be required to review and publish a report annually, regarding the performance of each justice and district judge. The Legislature would have to provide by law for the mechanics of this process. Finally, the commission would be authorized to adopt regulations for its operation and for maintaining the confidentiality of its proceedings and records.

Testimony indicated that Supreme Court Justices and District Court Judges must run for re-election once every six years. Although these offices are nonpartisan, several recent contested elections have been very expensive and marked by negative campaign practices. To meet the cost of the campaigns, judicial candidates have become more dependent on various groups of financial supporters, whose interests may not reflect those of the public at large. Moreover, when these supporters appear before the very judges they helped to elect, especially when their contributions have been large, it may seem that justice is for sale. These recent elections have the potential to reduce the number of qualified persons willing to serve or to continue to serve on the bench, but if left unchecked, threaten the independence and the integrity of, and public confidence in, our state judiciaries.

Assembly Joint Resolution No. 27 is not the "Missouri Plan" and it is not the "Nevada Plan." It is a compromise between the two, which for lack of another term, has been labeled the "Close Plan." It proposes that if they, the voters, want to see their judges continue to be elected as in the past, they should not vote for this proposal. However, on the other hand, if they want to see their judges appointed for a six-year term and to then stand for re-election based upon their performance as a judge, they should then vote for the plan.

There has been some testimony expressing some concern as to how the Commission on Judicial Selection and Review would be modified if this resolution is passed by this session, the 1997 Legislature, and by a vote of the people in 1999. In an attempt to clarify intent with this piece of legislation, I would like to provide you with how I visualize the general makeup of this commission.

Primarily, the commission would function as a nonpartisan, nonsalaried commission of laymen and lawyers. The Legislature would determine the exact number of individuals to serve on the commission. However, not more than two-fifths of the number would be attorneys admitted to practice before the courts in our state. The individuals who would serve on the commission would represent the rural and urban populations of our state. In addition, there would also be at least one justice from the Supreme Court, along with

female and minority representation on the commission. I would anticipate that the term of appointment for all members of the commission would be for six years with no opportunity for reappointment. The main goal of the commission would be to select three qualified candidates to fill any judicial vacancy, with the Governor having the opportunity to select the judge from the three candidates nominated by the commission.

I would hope that the commission would select the three candidates for a judicial vacancy based upon a compilation of selection criteria that would develop. However, as has been identified in the literature as the six highest qualities for an individual to be a judge, I would hope that the criteria for selection would include, but not be limited to the candidates moral courage; decisiveness; reputation for fairness and uprightness; patience; good health, both physical and mental; and consideration for others.

I appreciate this long, but hopefully informational, opportunity to speak to the merits of Assembly Joint Resolution No. 27. I would urge your favorable vote on this piece of legislation so the voters of this state can express their views on this issue at the polls.

Roll call on Assembly Joint Resolution No. 27:

YEAS—17.

NAYS—Anderson, Bache, Batten, Carpenter, de Braga, Ernaut, Evans, Freeman, Humke, Krenzer, Manendo, Marvel, Monaghan, Neighbors, Ohrenschall, Perkins, Sandoval, Schneider, Steel, Stroth, Tiffany, Tripple, Williams, Mr. Speaker Dini, Mr. Speaker Hettrick—25.

Assembly Joint Resolution No. 27 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 275, 290, 293; Senate Joint Resolution No. 14; Assembly Bills Nos. 177, 531 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 261; Assembly Concurrent Resolution No. 40; Senate Bill No. 413; Senate Concurrent Resolution No. 23.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Allison Kuhn, Cindy Kuhn and Dylan Hightower.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Caroline J. Hadley.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, May 31, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 1:02 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-SIXTH DAY

CARSON CITY (Wednesday), May 31, 1995

Assembly called to order at 11:09 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, Mr. Jack Heller.

Our kind, gracious Heavenly Father, we come before Thee this day to offer our gratitude for the opportunities we have this day and for the guidance we receive in our efforts. We are thankful for this great land we live in and the blessings we enjoy. This day, we seek guidance in our deliberations and actions as we open this session of the Assembly. We seek inspiration that those issues we act upon this day benefit the citizens of this State of Nevada and be in keeping with Thy commandments. We ask that Thou wilt watch over us and all we come in contact with, that we may be mindful to communicate with wisdom and understanding for all the lives we touch. We give thanks, once again, for the guidance and blessings we receive at Thy hand and ask that Thou watch over us this day. In the Name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 449, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN C. CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 315; Senate Bills Nos. 197, 200, 216, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 72, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

COMMUNICATIONS

STATE OF OKLAHOMA
OFFICE OF THE GOVERNOR

Wednesday, May 24, 1995

MOURYNE B. LANDING, *Chief Clerk of the Assembly,* State of Nevada Assembly, Legislative Building, 401 South Carson Street, Carson City, Nevada 89710

DEAR MEMBERS AND CITIZENS OF NEVADA:

On behalf of the people of Oklahoma—and of the families most deeply wounded by the

tragedy of April 19—thank you for your kind and generous expressions of sympathy. We have received literally hundreds of letters and notes from state governors, embassies, consulates and chiefs of state. We treasure them all as symbols of the bonds that unite humanity in such tragic times.

Our people are recovering. As we continue to bury our dead, we ask your ongoing prayers for comfort and for the ultimate justice this act demands.

If I can ever be of service, please don't hesitate to call on me.

Sincerely,

FRANK KEATING
Governor

STATE OF NEVADA

A PROCLAMATION

BY THE GOVERNOR

WHEREAS, May, 1995 commemorates the 50th Anniversary of the end of World War II; and

WHEREAS, the Nevada State Legislature has the distinct honor of having several World War II Veterans serve during the 1995 Legislative Session; and

WHEREAS, Assemblyman John Marvel entered the U.S. Army in March, 1945 after graduating from Battle Mountain High School; and

WHEREAS, Assemblyman John Marvel rose to the rank of Staff Sergeant in the Infantry and Artillery Division; and

WHEREAS, Assemblyman John Marvel trained at Camp Maxie, Texas and Camp Livingston, Louisiana; and

WHEREAS, Assemblyman John Marvel's unit, the 24th Infantry Division was in training for the invasion of Japan when the atomic bomb was dropped on Hiroshima; and

WHEREAS, Assemblyman John Marvel served on occupation duty in Japan and was discharged from the Army in 1946; and

WHEREAS, Assemblyman John Marvel has served the State of Nevada since 1978;

NOW, THEREFORE, I, BOB MILLER, GOVERNOR OF THE STATE OF NEVADA, do hereby proclaim May 31, 1995 as

A Day in Honor of

ASSEMBLYMAN JOHN MARVEL

"World War II Veteran and Nevada State Legislator"
Outstanding Service to His Country and State

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 15th day of May in the year of Our Lord one thousand nine hundred and ninety-five.

BOB MILLER
Governor

Attest: DEAN HELLER
Secretary of State

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

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:17 a.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 30, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 378, 440.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 93, 283, 329, 402, 404.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, May 31, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 43.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 11.

Assemblyman Lambert moved the adoption of the resolution.

Remarks by Assemblyman Lambert.

Resolution adopted, as amended.

Assembly Concurrent Resolution No. 32.

Resolution read.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 585.

Amend the resolution, page 1, line 13, by deleting "*and*".

Amend the resolution, page 1, line 15, by deleting "*public.*" and inserting: "*public;*

4. A budget of an agency of the state and any presentations relating to that budget;

5. A report or presentation that is not related to a specific bill, resolution or budget, if any written materials provided to the committee are reasonably made available to the public; and

6. An amendment to a bill or resolution, if copies of the amendment are made available to the public.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted and engrossed.

By Assemblymen Williams, Arberry, Freeman, Manendo, Harrington, Spitler, Krenzer, Nolan, de Braga, Segerblom, Neighbors, Bennett, Braunlin, Goldwater, Fettic, Steel, Schneider, Ohrenschall, Price, Batten, Carpenter, Perkins, Bache, Chowning, Giunchigliani, Anderson, Monaghan, Evans, Brower, Buckley, Sandoval, Tiffany, Marvel, Lambert, Tripple, Humke, Dini, Hettrick, Ernaut and Close:

Assembly Concurrent Resolution No. 41—Memorializing veteran educator from Clark County, H. P. Fitzgerald.

WHEREAS, It is with great sorrow that the members of this legislative body learned of the passing of H. P. Fitzgerald on December 28, 1994; and

WHEREAS, Huedillard Paris Fitzgerald was a native Virginian who settled in West Las Vegas in the 1940's; and

WHEREAS, H. P. Fitzgerald received the bronze star medal for his service to his country during World War II; and

WHEREAS, After the war, he obtained his Bachelor's Degree from Virginia State University in Petersburg, Virginia, and continued his education by earning his Master's Degree at the University of Nevada, Reno, becoming the first black man to graduate from the University of Nevada; and

WHEREAS, H. P. Fitzgerald was hired by the Clark County School District in 1947 as a teacher of vocational classes at Westside School and later he served as principal of the Carson and Mackey schools; and

WHEREAS, H. P. Fitzgerald distinguished himself among educators in this state and after a 25-year career with the Clark County School District, the first school to be built in West Las Vegas in 27 years was named after him in honor of his contributions to education and the community; and

WHEREAS, H. P. Fitzgerald was very proud of the H. P. Fitzgerald Elementary School which is referred to as a "Community Concepts School" because it is designed to reflect the suggestions of the residents of the community; and

WHEREAS, Throughout his life, H. P. Fitzgerald loved, counseled and guided pupils in their pursuit of knowledge and after retirement he continued to visit classrooms and tell stories to school children until the last few months of his life; and

WHEREAS, H. P. Fitzgerald's pride in his community was expressed through his membership in numerous civic and state organizations as a member of the Economic Opportunity Board, the Greater Las Vegas Chamber of Commerce, Clark County School Integration Committee, Opportunity Village, Job Corps and the National Association for the Advancement of Colored People; and

WHEREAS, Huedillard Paris Fitzgerald is survived by his loving wife, Virgie, son, Ronald of Las Vegas, brothers, Preston of Washington, Henry of Port Charlotte, Florida, and James of Martinsville, Virginia, sister, Marie Knowles of New York and seven grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 68th Session of the Nevada Legislature mourn the loss of a respected, gentle and compassionate Nevada citizen and offer their heartfelt sympathy to the family of Huedillard Paris Fitzgerald; and be it further

RESOLVED, That H. P. Fitzgerald set a standard for learning and gave so much to the residents of West Las Vegas that they will forever be indebted and grateful; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to H. P. Fitzgerald's beloved wife, Virgie, and to the children of the H. P. Fitzgerald Elementary School.

Assemblyman Williams moved the adoption of the resolution.

Remarks by Assemblyman Williams.

Assemblyman Williams moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:30 a.m.

ASSEMBLY IN SESSION

At 11:34 a.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Arberry, Ohrenschall and Chowning.

Assemblyman Williams requested that the following remarks be entered in the Journal.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. It is an honor for me to address this body and urge my colleagues to adopt Assembly Concurrent Resolution No. 41 honoring one of Nevada's long time honored great educators, Mr. H. P. Fitzgerald. I had the opportunity some time ago to meet Mr. Fitzgerald in a number of ways as a fraternity brother, as a fellow educator, and one whom I respect a great deal. The great educator from long ago, John Dewey, said, "You learn to do by doing." I think the life of H. P. Fitzgerald exemplifies that to the highest degree. In these times in America and in Nevada when there is so much talk about reform in education, I think the life of H. P. Fitzgerald, unlike many people, exemplifies what we really need to do and reminds us of that with the field of education. He was one who exemplified and emphasized to many of us, not only from what he said so much, but from the things he did. He showed us as educators and as community people in Nevada that we should develop the whole person.

I had the opportunity, on many occasions, to talk to him and gain information that I will value throughout my lifetime. I have had the opportunity to stop at his home and sit down in his office which was right in the front of his house. He talked to me on a number of occasions, from a counseling standpoint, and he always had a saying that, "Mr. Say ain't nothing; Mr. Do is a real man." He said we should really go out and do things. He is the first person who really explained to me that story we often hear about ships. Ships are really safe in harbors, but ships are not built to stay in harbors. Ships are built to go out and expand and explore new territories and waters that are sometimes rough and sometimes are very uncertain. That is what his life exemplified.

And many times, Mr. Speaker, we in this body, present resolutions such as this and we sort of do them in a nonchalant way. I think we should use them expressly as the one I present today, to set an example for us to build on our state and especially for our young people; to take the things that people did in their lives and make that something that we can build on as a state.

With that, the resolution speaks for itself. Many of the things he did I won't go into. But, as mentioned in the resolution, about a year-and-a-half ago in Las Vegas, one of the new schools that opened was named after Mr. Fitzgerald. At that time, I had the opportunity as well as the honor, of working at that school and planning the dedication for its opening. It was a delight, because Mr. Fitzgerald, and his wife who is with us today, was very much a part of the planning and being involved in the dedication of the school. And, as soon as the school opened, the first person you saw coming to the school was Mr. Fitzgerald. He walked into my office saying, "I came here to teach today." He would just walk in the classroom, and he loved being with children. He was there every day working in classrooms. It was so good that he was still with us at the time the school opened, because the children at the Fitzgerald School got a chance to really find out what he was about.

One of the things that I had the pleasure of doing was developing a video on Mr. Fitzgerald's life which we presented the night of the opening of the school. So, Mr. Speaker, with your permission, if we could go into maybe a three minute recess, I would like to show that video.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. I rise in support of this resolution. I am honored that my colleague from District No. 6 put this before us today. Growing up as a student in the West Las Vegas area, I didn't have an opportunity to get to know H. P. But as they state, "It's never too late." After returning home from college and working for the City of Las Vegas Building Department, was when I got an opportunity to meet H. P. I worked with him when he would come in to pick up permits for housing, or whatever project he might have had going on. And from that, we developed a very good relationship. When I changed positions and moved into the Neighborhood Service Office, H. P. was the first one there to volunteer his time to help to revamp our community. We made him one of the board

members, and then at the same time, we had a problem trying to locate a lot of people to get them on the board. Well, he told us if we would get him a list he would turn the people out, and he did just that. The next time we had a meeting, we had a crowd of people. He was that well respected. He built a very strong foundation for us.

I went over to his school one day after we had dedicated the park to him. The park was missing a quarter of a parcel to be a whole parcel. After we got the sale of that short parcel and we had put the sign up, that night at a meeting he leaned over and said, "You know Moose, the sign says Fitzgerald Park." Then he said, "Anybody can be Fitzgerald Park. I need that sign to say H. P." I said, "Mr. H. P., it's done." Two weeks later, the City of Las Vegas changed that sign. I went by his house, and he just waved and said "Okay, I'm happy."

Just knowing H. P. was a joy. And when he was getting sick and losing some of his responses, he still made a point to come by and see us. I am proud of my colleague from District No. 6 for presenting this resolution because he gave us a legacy that we will not forget. In closing, Mr. Speaker, my colleague and I were sitting around last night talking about H. P. as my colleague was waxing his car. So, if any of you go out to the parking lot, you might notice his car looks different. But anyway, we said that even though we're elected from a district where I grew up and my colleague from District No. 6 also spends his life right now, none of us could fill the shoes of H. P. We feel there will never be another person like H. P. and he will be missed. Thank you, Mr. Speaker.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. Sometime in the past, I ran the legal clinic for the West Side Credit Union. And I can tell you, that H. P. Fitzgerald was very, very active in encouraging people on the west side to come to the credit union to face problems they would have before they became too extreme and couldn't be faced by providing help within the community for them. He would also tell them when they might have had a little problem that perhaps they weren't aware of. We always had plenty of business, and a lot of it was due to H. P. Fitzgerald.

ASSEMBLYMAN CHOWNING:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 41. I did not have the pleasure of serving under this beloved educator, but I did know many teachers who did. It's an honor for me to stand here today and recognize a person of this caliber and all of the children whose lives he touched are better citizens today because of him. Thank you.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. As has been mentioned, you know it's pretty tough to fill Mr. Fitzgerald's shoes but, as my mother says, "Don't try to fill the shoes of great men, just walk the path they walked." I think the fact that the Fitzgerald School is now in existence, all the children who have a chance to walk the halls of that school will have the benefit of trying to at least walk the path of that legacy.

Resolution adopted unanimously.

Assemblyman Williams moved that all rules be suspended and that Assembly Concurrent Resolution No. 41 be immediately transmitted to the Senate.

Motion carried unanimously.

By the Committee on Elections and Procedures:

Assembly Resolution No. 11—Commending the loved ones of the members of the Assembly for their support.

WHEREAS, The spouses, families and "significant others" of members of the Assembly often make sacrifices equal to or even greater than those made by the members themselves so that their loved ones can serve the people of the State of Nevada; and

WHEREAS, These supportive persons often campaigned tirelessly before elections, sacrificing time, finances and privacy to help to improve this state; and

WHEREAS, Frequently, they must bear the greater responsibility for child rearing, homemaking and income production while the members of the Assembly are serving during a legislative session; and

WHEREAS, Many members of the Assembly must accept a reduction in pay while they serve and this often requires family members to make financial sacrifices; and

WHEREAS, The spouses, families and "significant others" endure periods of loneliness and loss of companionship during a legislative session and often are forced to move or change jobs while members of the Assembly are serving this state; and

WHEREAS, The majority of these persons have been or are currently involved in service to the state and their communities in their own right; and

WHEREAS, They have constantly offered their support, love and loyalty to the members of the Assembly and they seldom have received the accolades and recognition they so richly deserved; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the 68th session of the Nevada Assembly extend their feelings of deepest love, highest honor and sincerest appreciation to their spouses, families and "significant others" who have given so much and requested so little, including, but not limited to, Cherryl Allard, Clyda Hooper Anderson, Carol Arberry, Sallie S. Bache, Elisabeth Batten, Connie Bennett, James Braunlin, John Brower, Roseann Carpenter, Elmer Chowning, Gaye Close, Lyle de Braga, Jeanne Dini, Bob and Nancy Ernaut, Rob and Tracey Evans, Joan Fettic, Richard Freeman, David and Mary Goldwater, Gary Gray, Diane Ellen Harrington, Arla Hettrick, Virginia Humke, Stefan Ivanov, Chan Kendrick, Richard Krenzer, Gregory Lambert, Mike A. and Marie A. Manendo, Willie Marvel, Walt Monaghan, Betsy Neighbors, Kim Nolan, Terri Jo Perkins, Maria Pintos, Nancy Price, Kathleen Sandoval, Candy Schneider, Cliff Segerblom, Gaylan Stroth, Ross Tonkens and Zelda Williams; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to those persons or, if appropriate, in memory of those persons in acknowledgment of their support.

Assemblyman Harrington moved the adoption of the resolution.

Remarks by Assemblyman Harrington.

Assemblyman Ernaut requested that Assemblyman Harrington's remarks be entered in the Journal.

ASSEMBLYMAN HARRINGTON:

Thank you, Mr. Speaker. To you and through you to this body. I think all of us appreciate those who have helped us to get elected and to serve here. I have observed that several of your families have come through sacrifices that other families have had to go through. Some of you have given up jobs to be here and the spouses have to wonder what is going to happen after the session is over. Others have had health problems while we've been away. In my particular circumstances, my children have had to be fatherless for the six months since I've been up here, except for the weekends. The very first weekend that I was gone, when I came back my three-year-old was playing on the floor and as soon as I walked in he just froze. He was really angry at his father for being gone that first week and he went and sat on the green sofa. I tried to talk to him, but nothing really worked until I offered him ice cream and that warmed him up. Subsequently he's gotten kind of used to the idea that dad goes all week and comes back on the weekends. But it is a significant sacrifice for the children to have their father gone. It's even harder for my wife to have to deal with six kids all week long. She just waits for Friday to come when she can get a little relief. And so, indeed, our spouses and families frequently do make greater sacrifices than we do being here. Here, it's kind of fun and we get to talk about interesting things, meet interesting people and do fun things. Frequently, they have to hold up the tough end of the battle of rearing the families, making do with a lot less money than they are accustomed to and many other sacrifices. I think we owe it to them to commend them for the fine service they do and for the work they do without too much recognition. I think they deserve that.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 43.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Marvel, Carpenter, Giunchigliani, Nolan, Humke, Mr. Speaker Hettrick, Price, Schneider, Spitler and Tiffany.

Assemblyman Williams requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Mr. Speaker, it is indeed my pleasure to be able to speak on this resolution today. I met Jim in 1973. His dad brought him to the session in 1973, and got him acquainted with the legislative process and introduced him to all of us here.

When you see a young person, sometimes you spot one that you think is going to be a leader for our state, for our communities and he was one. It is really tough on his parents and his family. It is tough on some of us who knew him when he was young. You hate to see young people pass away early in life when they are just reaching the mature part of their life and their productivity.

As you could see from his activities, he was involved in his community in Las Vegas, and he was a man who was involved in the future of our state. You can go to any town in Nevada and they know who Jim Cashman was. You can go to Elko, Ely, Winnemucca, Battle Mountain, Yerington, or Reno and everyone knew him because he was involved.

We discussed economic development many, many times as he served on the Economic Development Board and Commission and his ideas were for Nevada to go forward. Always go forward and do a good job; develop our state and make it the greatest state in the Union. I think he dedicated his life to that with his involvement throughout his many community activities. He was on all kinds of boards of directors; all kinds of organizations. These are true state leaders and he was a great state leader; a great community leader.

It was my privilege to have known him and to have worked with him on many, many projects. My condolences to the entire family on behalf of this organization.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I, also, rise in support of Senate Concurrent Resolution No. 43. It certainly is a shock to all of us who have known the Cashman family for numerous years to have lost this fine young man at such an early age. Of course, the Cashman family are not strangers to northern Nevada. I just happened to pick up a paper the other day where in Elko, the Cashman Equipment has added another extensive addition. So, as Speaker Dini just related, the Cashman family is well known to all of us, and we are certainly going to miss young Jim. Certainly, Willie and I offer our condolences to the Cashman family. He will be missed sorely.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution No. 43. I first met Jim when he was a neighbor of mine in Elko and they purchased the Anchor Guest Ranch. He was always a gentleman. After I became a member of the Assembly, I saw him many times over in these halls and he always was working for the good of Nevada. He was a good man and a great neighbor and I, too, want to extend my condolences to the family.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution No. 43. I first got to know Jimmy when I was president of the Nevada State Education Association and I launched that infamous corporate initiative. We had many wonderful debates, but I have to say we always agreed to disagree and he was always a gentleman and did it with a great deal of respect. I did respect Jim and his opinion.

I have to say, in 1991 I saw him after my first session, and I sat with him and talked about what problems affected businesses. The genesis of that conversation became

Assembly Bill No. 153, which was passed last session, and was on how to better organize and be more efficient in government and learn something from the private sector. I have to say, that was to his credit.

It was a shock to all of us to hear of Jimmy's passing. I have to say, though, that Tim continued on with the school-to-work programs and occupational education. An honor to him last week was passage of Assembly Bill No. 303 which really culminates the school-to-work program, and one which I think he believed in very, very sincerely. I would also like to pass on my condolences and say that a legacy has been left here, and that is the community spirit that Jim represented. Thank you.

ASSEMBLYMAN NOLAN:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution No. 43. I first formally met Jim Cashman about eight years ago, which is relatively recent to a lot of individuals here. However, I grew up with his younger brother, Tim.

I met him in a Leadership Orientation Program in Las Vegas where we had to introduce one another. I asked Jim a little about himself. He said, "Don't worry about the introduction, when it's time for you to introduce me I'll tell you what to say." Half of the people in the organization already knew Jim and knew his activities in the community, and so, I was alone in not knowing him. When it came time to introduce him he said, "Tell them I like working with people and I like working for people." I looked at him after about one-half of the introductions had been given, and everyone went on to tell about their professional careers and I said, "Are you going to have me tell more than that?" "No." he said, "Just say that." So I did. Everyone acknowledged that, and come to find out, that is the way Jim was.

I saw Jim over the last eight years at so many benevolent and community activities, that I started to wonder if there were twins who existed in the Cashman family that I didn't know about. Also, when I decided to run for office, Jim called me and said, "You are going to be my representative and I want to support you, but tell me why I should vote for you?" I went on to tell him, with a well polished presentation, about why he shouldn't vote for any other candidate because it would be a doom and gloom day. He said, "That was very well done, now tell me why I should vote for you?" He was that kind of man. No discouraging words. You never heard anything bad about anyone else from him. He was one gentleman who truly deserves this honor.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution No. 43. I, too, knew Jim. I won't repeat the well-documented list of accomplishments from the resolution or from the traits that have been described from the Speaker, Ways and Means Chairman and various others. I would like to emphasize that I did represent his brother, Tim. I would agree with the previous speaker that representation was appropriately difficult under our democratic system, but I was proud to do so.

I was also very happy to have seen Jim just prior to his death. He was up here and I uncharacteristically had a good chat with him at a reception, which I seldom attend. It was just fate and I was glad to see him. I would like to emphasize that he always worked for a solution to whatever problem we had inside these walls and it was always for the good of the State of Nevada. He will be sorely missed. Thank you.

Speaker Hettrick requested the privilege of the floor for the purpose of making the following remarks:

I, too, had the pleasure of talking with Jim at that reception and it was a pleasure for me. I, too, miss Jim Cashman very much.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution No. 43. I have been sitting here trying to remember when Jim and I first met. It was a long, long time ago. Over the years, we had many conversations. Particularly, after I got into politics. We met even before that. Not surprisingly, oftentimes on separate sides of the

issue and oftentimes on the same side of the issue. He really set a wonderful example of how things should be done and how you could discuss different sides, do it in a meaningful way and eventually come to solutions.

As has been his family's tradition, he was very involved in the community and the good things that we try to encourage our own children and friends to do in life. I, like all of us and the rest of Nevadans who knew him, was shocked when we lost him. I am glad that we are honoring him today. My condolences to the family. We know that while he was among us, he did wonderful things. They will be proud of him forever. Thank you.

ASSEMBLYMAN SCHNEIDER:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. I have known the Cashmans for quite awhile. As a matter of fact, I graduated from high school with Jim's wife, Mary Kaye. She was a classmate of myself and my wife, Candy. She just reminded me a little bit ago that my wife was her first friend at Bishop Gorman.

I would like to relate something about Jim Cashman. As a good Democrat, he and I had a lot in common. At every cocktail party, he'd have a glass of red wine and I'd have mine and he would somehow make it over to me and say, "How's it going?" We all knew how it was to represent the business community as Democrats, and we'd joke about it a little bit.

There was one incident that happened in the first part of December, shortly after the election. There was a lot of discussion about the balance of power in this house. Jim came over to me at that Chamber function and said, "I have a solution. We are sending you to Bosnia, Mike. We have precedence for that. Candy will take your seat. We have broken the balance of power." Candy looked at him, grabbed his arm and said, "Jim, I don't think you'd like the way I voted." Jim and I have the best of both—we are married to Republicans from Bishop Gorman. Thank you very much, Mr. Speaker.

ASSEMBLYMAN SPITLER:

I also rise in support of Senate Concurrent Resolution No. 43. Listening to the long list of the many organizations to which he belonged, speaking so highly of his civic involvement and of his pride in Nevada. In fact, I think it was through United Way that I first met him.

At that first meeting, I had absolutely no idea who he was. He was quiet and sat with me in the back of the room. And yet, through that whole meeting, he kept pulling everything together and making things happen. It was a real pleasure to work with him on civic projects. He always kept his word and always worked as hard as the next person.

I'll particularly miss his calls and notes during the campaign season. He always was nice to take a few minutes to call and ask how the campaign was going, or drop a note. His loss to all of us is sad and we'll miss his leadership; but, truly we should take his example of leadership and kindness and share it with those around us. I would like to thank all of his family for sharing him with us.

ASSEMBLYMAN TIFFANY:

Thank you, Mr. Speaker. I have only been in Nevada about five years, and Jim was one of the first people that I met when I moved here. Particularly, when I decided to run for office. There are a handful of people in Clark County that you go visit and sit at the knee of; he was one of them.

To show you how nonpartisan he was, obviously you have probably concluded by now that he was a Democrat, and obviously I'm not, but he touched every single one of us. When I decided to run for office, he was the person that would talk about what we needed and I particularly focused on Clark County. What do we need? Education, community service, growth issues, taxes, banking, it didn't matter. He was there and he had the knowledge.

Once I got elected, he was one of the business people in Clark County that I would call. If we had legislation that impacted either the city, the county or the business community, he was the one who we would touch base with and say, "What do you think about this?" He always gave us great, solid advice. The second time that I ran for office was with the chamber working on candidate recruitments and the structure of how to elect the

candidates that the chamber supported. So, the Republican caucus had a business plan. He was one who helped structure the business plan on how to get Republicans elected in Clark County. It tells you again how nonpartisan he was.

I attended the funeral. I have to tell you I didn't know him as a family man and I was just struck by the photographs that you had, and the program you and the kids did. When the kids got up and talked about their father; the relationship with him. He will leave a legacy through these children forever. I want to thank the family also for sharing him with us. All of us were impacted here at the state legislature. He has two wonderful children to carry on the next generation. We will dearly, dearly miss him.

Resolution adopted unanimously.

Mr. Speaker announced that if there were no objections, the Assembly would recess subject to the call of the Chair for the purpose of hearing remarks by Jim Cashman, Jr.

Assembly in recess at 12:07 p.m.

ASSEMBLY IN SESSION

At 12:08 p.m.
Mr. Speaker presiding.
Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Price requested that Mr. Cashman's remarks be entered in the Journal.

On behalf of the family, I would just like to thank all of the members of this body; all the dear friends that Jim and I had over the years. We have been involved with this sort of procedure for quite a while. We really appreciate the recognition for our boy. This family really appreciates what you've done for him and what he has been able to do for us and this state. Thank you.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolutions Nos. 44, 45.

MARY JO MONGELLI
Assistant Secretary of the Senate

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:09 p.m.

ASSEMBLY IN SESSION

At 12:13 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 44.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel, Dini and Carpenter.

Assemblyman Williams requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. It was with great sadness that I lost one of my better friends, a person that I have known all my life, Pete Walters.

I've known the Walters family since the 1930s, when they were connected with the Commercial Hotel. These Elko folks were probably the focal point for eastern Nevada. Pete was manager of the Commercial Hotel, and my folks used to stay there, habitually, as Elko was the shipping center. So, we had known Pete for many, many years.

It amazes me the number of activities this man was involved in. I don't know how he kept his durability, and certainly, his congeniality. No matter what you were involved in, it seemed as if you always ran into people who knew him. His name was Frank, but I don't think anyone realized that Frank was his God-given name. It was always Pete as long as I knew him.

As you know from the resolution, he was a member of this body for two sessions; one was a special session. He was a member of the first Gaming Commission, before it was separated from the Tax Commission. He was a pioneer in many ways for state government in the State of Nevada.

I certainly wish to extend my condolences to his wife, Connie, who is sitting with me today. We will surely miss Pete's presence.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker, members of the Assembly. I've known Pete for many, many years. He was probably on the Gaming Commission when I received my first nonrestrictive gaming license.

I became well acquainted with him when he was living in Fallon. He and his wife lived there for at least nine years. Under reapportionment, I represented Clark and Churchill County for about 20 years, and got acquainted with him at all the public meetings. It was very interesting. With his knowledge of government and his history of being a legislator, he gave me a lot of good points. He knew a lot of good history and a lot of the issues we are facing today. He kept track of the issues and would call me many times and say, "Joe, you need to look at this bill or look at this idea."

Pete will be sorely missed. He always had a friendly face and handshake for me. We really got along well. He will be missed.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution No. 44. I didn't meet Pete until I moved to Elko. He used to come to Elko very often. What amazed me, although I hadn't known him very long, was we carried on a conversation like we had known each other all our lives. The people in Elko spoke very highly of him. What a great manager he was down at the Commercial. Like John Marvel mentioned, the Commercial was the place to be in those days. I got to know him in the real estate business. He was such a friendly guy and I always enjoyed his company. I was always happy to have him come back and visit us in Elko.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 45.

Assemblyman Fettic moved the adoption of the resolution.

Remarks by Assemblymen Fettic, Dini and Carpenter.

Assemblyman Williams requested that the following remarks be entered in the Journal.

ASSEMBLYMAN FETTIC:

Thank you, Mr. Speaker. As a life-long resident of Carson City, and having spent over 25 years in law enforcement in this city, I take this as a personal affront to my community; to the people who live in this community; the State of Nevada; and especially, the innocent people at the United States Forestry Service for this cowardly act. There is nothing more low-life or sneakey than a bomber. They don't care who they hurt, who might get injured or what damage they cause. I would urge your support of this resolution. Thank you, Mr. Speaker.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I would like to stand up and support this resolution. This is a democracy where you have a right to protest. You have the right to talk to your elected officials and if there is a problem, you solve it. These acts of violence don't have a place in beautiful Carson City.

We've made laws and run the government from this city, and to have employees suffer under this magnitude of pressure because they work for the Forestry Service is not fair to the good people who work for that department. I just want to support this resolution. I hope we can do whatever it takes in this Legislature to stop this kind of violence. We must do it. We cannot continue to have good employees, good people who are doing their jobs for all the people in this state, have to suffer this kind of pressure. I would like to support this resolution.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution No. 45. There has been a lot of press in regard to this situation in Carson City, and really, all over the West. There has been some finger pointing which I don't agree with. I believe all of us deplore this kind of violence. As our Speaker said, "In this nation, we have the right to stand up and disagree, but we do not have the right to destroy the property and lives of others." I do stand up in support of this resolution. Hopefully, the perpetrators will be brought to justice.

Resolution adopted unanimously.

By Assemblymen Neighbors, de Braga, Carpenter and Marvel:

Assembly Joint Resolution No. 39—Proposing to amend the constitution of the State of Nevada to exempt Post-Masters from the prohibition against holding another civil office.

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That section 9 of article 4 of the constitution of the State of Nevada be amended to read as follows:

[Sec:] *Sec.* 9. No person holding any lucrative office under the Government of the United States or any other power, shall be eligible to any civil office of Profit under this State; Provided, that Post-Masters [whose compensation does not exceed Five Hundred dollars per annum,] or commissioners of deeds [,] shall not be deemed as holding a lucrative office.

Assemblyman Neighbors moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 676—An Act relating to nuisances; declaring certain lewd conduct to be a nuisance; providing for the abatement of such nuisances; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 677—An Act relating to sentencing; authorizing a county to create a department of alternative sentencing; providing the duties of a department of alternative sentencing; providing that the chief and assistants of a department of alternative sentencing have the powers of a peace officer for certain purposes; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 678—An Act relating to the department of administration; revising the method of appointing the chief of the risk management division; revising provisions governing the duties of the state risk manager; and providing other matters properly relating thereto.

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

Motion carried.

By Assemblymen Chowning, Spitler, Price, Arberry, Evans, Dini, Bennett, Batten, Segerblom, Perkins, Manendo, Close, Tripple, Carpenter, Ohrenschall, Freeman, Fettic, Allard, Giunchigliani, Buckley, Anderson, Humke, Krenzer, Bache, Monaghan, Sandoval, Ernaut, Nolan, Goldwater, Steel, Schneider, Neighbors, de Braga and Williams:

Assembly Bill No. 679—An Act making an appropriation to the division of child and family services of the department of human resources to fund special activities for children in foster care; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 93.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 283.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 329.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 378.

Assemblyman Ernaut moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 402.

Assemblyman Ernaut moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 404.

Assemblyman Ernaut moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 440.

Assemblyman Ernaut moved that the bill be referred to the Committee on Transportation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Marvel moved that Assembly Bill No. 227 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Williams moved that Assembly Bill No. 368 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Schneider moved that Assembly Bill No. 386 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 46.

Bill read second time.

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

Amendment No. 506.

Amend the bill as a whole by deleting sections 1 through 5 and renumbering sec. 6 as section 1.

Amend sec. 6, page 3, line 38, after "2." by inserting: "*The appointing authority shall conduct an investigation of any acts or omissions alleged to constitute just cause for a dismissal or an involuntary demotion or suspension. Unless the employee is alleged to have committed an act for which a criminal penalty is imposed pursuant to a statute of this state, the investigation must be completed within 60 days after the appointing authority discovers the acts or omissions alleged to constitute just cause for the dismissal, demotion or suspension.*

3.".

Amend sec. 6, page 3, by deleting lines 42 and 43 and inserting: "*authority completes the investigation required by subsection 2.*".

Amend sec. 6, page 4, line 1, by deleting "3." and inserting "[3.] *4.*".

Amend the bill as a whole by deleting sections 7 and 8 and the leadlines of repealed sections and renumbering sections 9 and 10 as sections 2 and 3.

Amend sec. 9, page 4, by deleting line 27 and inserting:

"Sec. 2. The amendatory provisions of section 1 of this act do not apply to".

Amend sec. 10, page 4, by deleting lines 30 through 33 and inserting:

"Sec. 3. This act becomes effective on July 1, 1995.".

Amend the title of the bill to read as follows: "An Act relating to the state personnel system; revising the procedure for the dismissal, demotion or suspension of certain state employees; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows: "Summary—Revises procedure for dismissal, demotion or suspension of certain state employees. (BDR 23-326)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 95.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 650.

Amend the bill as a whole by renumbering sections 3 through 5 as sections 6 through 8 and adding new sections designated sections 3 through 5, following sec. 2, to read as follows:

"Sec. 3. NRS 483.916 is hereby amended to read as follows:

483.916 *1.* Notwithstanding any other [provision of law] *specific statute* to the contrary, the department shall furnish full information regarding the driving record of any person to:

[1.] *(a)* The driver's license administrator of any other state or of any province or territory of Canada who requests that information;

[2. Any]

(b) Except as otherwise provided in subsection 2, any employer or prospective employer of that person upon his request and payment of a fee established in regulations adopted by the department; or

[3.] *(c)* Any insurer upon its request and payment of a fee established in regulations adopted by the department if the insurer has complied with the provisions of NRS 485.314.

2. The department shall not disclose pursuant to paragraph (b) of subsection 1 any information regarding a finding by a juvenile court that the person was found to be in violation of NRS 484.379 or 484.3795.

Sec. 4. NRS 485.135 is hereby amended to read as follows:

485.135 *1.* The division shall , upon request , furnish any person a certified abstract of the operating record of any person subject to the

provisions of this chapter . [, which abstract shall] *The abstract must* also fully designate the motor vehicles, if any, registered in the name of [such person, and, if there shall be no record of any conviction of such person of violating] *the person. Except as otherwise provided in subsection 2, the division shall also certify whether the operating record of the person includes a record of any conviction of the person for a violation of* any law relating to the operation of a motor vehicle or of any injury or damage caused by [such person, the division shall so certify.] *the person.*

2. Except as otherwise provided in subsection 3, the division shall not include any notation regarding a finding by a juvenile court that the person was found to be in violation of NRS 484.379 or 484.3795.

3. The division shall, upon request, furnish to any court or law enforcement agency such a certified abstract which includes, if applicable, information regarding a finding by a juvenile court that the person was found to be in violation of NRS 484.379 or 484.3795.

Sec. 5. NRS 62.216 is hereby amended to read as follows:

62.216 1. A child adjudicated under this chapter is not a criminal and any adjudication is not a conviction, and a child may be charged with a crime or convicted in any other court only as provided in NRS 62.080.

2. An adjudication under this chapter upon the status of a child does not impose any of the civil disabilities ordinarily resulting from conviction, and the disposition of a child or any evidence given in court must not be used to disqualify the child in any future application for or appointment to the civil service.

3. For purposes of seeking or retaining employment, a child is not required to acknowledge any violation of NRS 484.379 or 484.3795. He may not be held under any law to be guilty of perjury or otherwise giving a false statement by reason of his failure to recite or acknowledge such a violation in response to an inquiry made by his employer or any prospective employer.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 328.

Bill read second time.

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

Amendment No. 394.

Amend section 1, pages 1 and 2, by deleting lines 4 through 19 on page 1 and lines 1 through 11 on page 2, and inserting: "*or the surviving spouse of a person who did not, at the time of his retirement pursuant to the conditions set forth in NRS 286.510 or 286.620, have the option to participate in the state's program of group insurance may join the state's program of group insurance, to the extent that such coverage is not provided to him or a dependent by the Health Insurance for the Aged Act (42 U.S.C. §§ 1395 et seq.), by:*

(a) Providing the public employees' retirement board with written notice of his intention to enroll in the state's program during a period of open enrollment;

(b) Showing evidence of his good health as a condition of enrollment;

(c) Accepting the state program's current plan of insurance and any subsequent changes to the plan; and

(d) Paying any portion of the policy's premiums in the manner set forth in NRS 286.615, which are due from the date of enrollment.

The public employees' retirement board shall, beginning on September 1, 1997, have a biennial period of open enrollment between September 1 of each odd-numbered year and January 31 of each even-numbered year during which eligible retired persons may join the state's program of group insurance pursuant to this section.

2. The public employees' retirement board shall, on or before September 1, 1997, and every September 1 of each odd-numbered year thereafter, notify eligible retired persons described in subsection 1 of the period of open enrollment by:

(a) Mailing a notice regarding the period of open enrollment to all retired persons who are, according to its records, eligible to join the state's program of group insurance;

(b) Posting a notice of the period of open enrollment at its principal office and at least three other separate prominent places, such as a library, community center or courthouse; and

(c) Publicizing the period of open enrollment in any other manner reasonably calculated to inform additional eligible retired persons.

3. The public employees' retirement board shall notify the committee on benefits of the enrollment of any person on or before March 1 immediately following the period of open enrollment. The committee on benefits shall approve or disapprove the request for enrollment within 90 days after receipt of the request. Enrollment shall be deemed to occur on the day the request is approved.

4. Enrollment in the state's program of group insurance pursuant to this section excludes claims for expenses for any condition for which medical advice, treatment or consultation was rendered within 12 months before enrollment unless:

(a) The person has not received any medical advice, treatment or consultation for a period of 6 consecutive months after enrollment; or

(b) The insurance coverage has been in effect more than 12 consecutive months.".

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. 1. Notwithstanding the provisions of NRS 287.023 and 287.045, a person or the surviving spouse of a person who did not, at the time of his retirement pursuant to the conditions set forth in NRS 286.510 or 286.620, have the option to participate in the state's program of group insurance may join the state's program of group insurance to the extent that such coverage is not provided to him or a dependent by the Health Insurance

for the Aged Act (42 U.S.C. §§ 1395 et seq.) upon notifying the public employees' retirement board during the period established in subsection 2 and assuming all costs of the coverage.

2. The public employees' retirement board shall have a period of open enrollment between September 1, 1995, and January 31, 1996, during which eligible retired persons described in subsection 1 may join the state's program of group insurance.

3. The public employees' retirement board shall, on or before September 1, 1995, notify eligible retired persons of the period of open enrollment by:

(a) Mailing a notice regarding the period of open enrollment to all retired persons who are, according to its records, eligible to join the state's program of group insurance;

(b) Posting a notice of the period of open enrollment at its principal office and at least three other separate prominent places, such as a library, community center or courthouse; and

(c) Publicizing the period of open enrollment in any other manner reasonably calculated to inform additional eligible retired persons.

4. A person who enrolls in the state's program of group insurance pursuant to this section must be included in the group which is accounted for separately pursuant to subsection 5 of NRS 287.045.".

Amend the title of the bill, first line, by deleting: "an annual period" and inserting "periods".

Amend the summary of the bill, first line, by deleting "annual period" and inserting "periods".

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblyman Neighbors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 435.

Bill read second time.

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

Amendment No. 505.

Amend sec. 2, page 1, by deleting lines 19 through 25 on page 1 and lines 1 through 44 on page 2, and inserting:

"534.090 1. Except as *otherwise* provided in [subsections 2 and 3,] *this section,* failure for 5 successive years after April 15, 1967, on the part of the [holder] *owner, as determined in the records of the office of the state engineer,* of any right, whether it is an adjudicated right, an unadjudicated right, or a permitted right, and further whether the right is initiated after or before March 25, 1939, to use beneficially all or any part of the underground water for the purpose for which the right is acquired or claimed, works a forfeiture of both undetermined rights and determined rights to the use of that water to the extent of the nonuse. *If the records of the state engineer indicate at least 4 consecutive years, but less than 5 consecutive years, of nonuse of all or any part of a water right governed by this chapter, the state engineer shall notify the owner of record of the water right by registered or*

certified mail that he has 1 year after the date of the notice in which to use the water right beneficially and to provide proof of such use to the state engineer or apply for relief pursuant to subsection 2 to avoid forfeiting the water right. If, after 1 year after the date of the notice, proof of beneficial use is not sent to the state engineer, the state engineer shall, unless he has granted a request to extend the time necessary to work a forfeiture of the water right, declare the right forfeited within 30 days. Upon the forfeiture of a right to the use of ground water, the water reverts to the public and is available for further appropriation, subject to existing rights. If, upon notice by registered or certified mail to the [person] *owner* of record whose right has been declared forfeited, [that person] *the owner of record* fails to appeal [such] *the* ruling in the manner provided for in NRS 533.450, and within the time provided for therein, the forfeiture becomes final.

2. The state engineer may, upon the request of the [holder] *owner of record* of any right described in subsection 1, extend the time necessary to work a forfeiture under that subsection if the request is made before the expiration of the time necessary to work a forfeiture. The state engineer may grant , *upon request and for good cause shown,* any number of extensions, but [no] *a* single extension [may] *must not* exceed 1 year. In determining whether to grant or deny a request, the state engineer shall, among other reasons, consider:

(a) Whether the [holder] *owner of record* has shown good cause for his failure to use all or any part of the water beneficially for the purpose for which his right is acquired or claimed;

(b) The unavailability of water to put to a beneficial use which is beyond the control of the [holder;] *owner of record;*

(c) Any economic conditions or natural disasters which made the [holder] *owner of record* unable to put the water to that use; and

(d) Whether the [holder] *owner of record* has demonstrated efficient ways of using the water for agricultural purposes, such as center-pivot irrigation.

The state engineer shall notify, by registered or certified mail, the owner of record of a water right who has requested an extension pursuant to this subsection of his decision regarding whether the request is granted or denied.

3. If the failure to use the water pursuant to subsection 1 is because of the use of center-pivot irrigation before July 1, 1983, and such use could result in a forfeiture of a portion of a right, the state engineer shall, by registered or certified mail, send to the owner of record a notice of intent to declare [such] a forfeiture. The notice must provide that the owner has at least 1 year from the date of the notice to use the water beneficially or apply for additional relief pursuant to subsection 2 before forfeiture of his right is declared by the state engineer.

4. A right to use underground water whether it is vested or otherwise".

Amend sec. 2, page 3, by deleting line 2 and inserting: "or certified mail to the [person] *owner* of record who had the prior right, [that person] *the owner of record of the prior right*".

Amend the title of the bill, third line, by deleting "holders" and inserting "owners".

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblyman Neighbors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 477.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 606.

Amend sec. 3, page 1, line 16, by deleting: "*or any member thereof*".

Amend sec. 6, page 3, line 17, by deleting "*or reputation;*" and inserting: "*as it relates to the practice of social work;*".

Amend sec. 8, page 3, line 47, by deleting "*$75*" and inserting "*$40*".

Amend sec. 8, page 4, line 4, by deleting "*200*" and inserting "*150*".

Assemblyman Tiffany moved the adoption of the amendment.

Remarks by Assemblyman Tiffany.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 478.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 605.

Amend section 1, page 1, by deleting lines 4 through 6 and inserting: "the zoning designations *and the designations in the master plan regarding land use,* adopted pursuant to chapter 278 of NRS for the adjoining".

Amend section 1, page 1, by deleting lines 13 through 17 and inserting: "owned by the seller. The seller shall retain a copy of the disclosure document which has been".

Amend section 1, page 1, by deleting lines 20 through 24 and inserting: "2. The [zoning] information contained in the document must:".

Amend section 1, page 2, line 7, by deleting "[3.] *4.*" and inserting "3.".

Amend section 1, page 2, line 9, by deleting "10" and inserting "[10] *two*".

Amend the title of the bill by deleting the second and third lines and inserting: "disclose information regarding zoning and the master plan to an initial purchaser; extending the application of certain requirements concerning sellers of certain residential property; and providing other matters properly".

Amend the summary of the bill by deleting the second and third lines and inserting: "zoning and master plan to initial purchaser. (BDR 10-261)".

Assemblyman Tiffany moved the adoption of the amendment.

Remarks by Assemblyman Tiffany.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 488.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 607.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend the title of the bill by deleting the second and third lines and inserting: "certified public accountant; and providing other matters".

Assemblyman Tiffany moved the adoption of the amendment.

Remarks by Assemblyman Tiffany.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 586.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 608.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 100.

Bill read second time and ordered to third reading.

Senate Bill No. 155.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 404.

Amend sec. 3, page 3, line 3, by deleting: "*box or other safekeeping repository,*" and inserting "*box,*".

Amend sec. 4, page 3, line 47, by deleting "*division.*" and inserting: "*division, unless that property is a will or a codicil to a will, in which case the administrator shall hold the property for 10 years after the date of the delivery of the property to the division.*".

Amend the bill as a whole by renumbering sec. 6 as sec. 8 and adding new sections designated sections 6 and 7, following sec. 5, to read as follows:

"Sec. 6. NRS 663.085 is hereby amended to read as follows:

663.085 1. If the rental due on a safe-deposit box has not been paid for 90 days, the lessor may send a notice by registered or certified mail to the last known address of the lessee stating that the safe-deposit box will be opened and its contents stored at the expense of the lessee unless payment of the rental is made within 30 days. If the rental is not paid within 30 days from the mailing of the notice, the box may be opened in the presence of any officer of the lessor and a notary public. The contents must be sealed in a package by the notary public, who shall write on the outside the name of the lessee and the date of the opening in the presence of the officer. The notary public and the officer shall execute a certificate reciting the name of the lessee, the date of the opening of the box and a list of its contents. The certificate must be included in the package and a copy of the certificate must be sent by registered or certified mail to the last known address of the lessee. [The] *If the contents of the safe-deposit box have been unclaimed by the*

owner for 5 years or less, the package must then be placed in the general vaults of the lessor at a rental not exceeding the rental previously charged for the [box.

2. If the contents of the safe-deposit box have not been claimed within 6 months of the mailing of the certificate, the lessor may send another notice to the last known address of the lessee stating that, unless the accumulated charges are paid within 30 days, the contents of the box will be sold at public or private sale at a specified time and place, or, in the case of securities listed on a stock exchange, will be sold upon the exchange on or after a specified date. The time, place and manner of sale must also be posted conspicuously on the premises of the lessor and advertised once in a newspaper of general circulation in the community. Except as otherwise provided in subsection 3, if the articles are not claimed, they may then be sold in accordance with the notice.

3. Any document which has legal significance, including a will, codicil, deed, mortgage, policy of insurance, certificate of birth, marriage or death, contract or other evidence of indebtedness must be retained by the lessor or subsequent custodian, unless claimed by the owner, for 8 years after the box is opened pursuant to subsection 1. After that time, they may be destroyed. Any other documents or writings of a private nature, if they have little or no apparent value, need not be offered for sale, but must be retained, unless claimed by the owner, for 6 months, after which they may be destroyed.

4. The balance of the proceeds, after deducting accumulated charges, including the expense of advertising and conducting the sale, together with any money discovered in the box must be deposited to the credit of the lessee in any account maintained by him, or if none, must be deposited in a deposit account with the bank operating the safe-deposit facility, or in the case of a subsidiary safe-deposit company, a bank owning stock therein, and must be identified on the books of the bank as arising from the sale of contents of a safe-deposit box.] *box, until such time that the contents will have been unclaimed by the owner for more than 5 years, at which time the lessor shall deliver the package to the division of unclaimed property of the department of business and industry pursuant to the provisions of chapter 120A of NRS.*

2. If the contents of a safe-deposit box that has been opened pursuant to subsection 1 have been unclaimed by the owner for more than 5 years, the lessor shall deliver the package to the division of unclaimed property of the department of business and industry pursuant to the provisions of chapter 120A of NRS.

Sec. 7. NRS 673.373 is hereby amended to read as follows:

673.373 1. If the rental due on a safe-deposit box has not been paid for 90 days, the lessor may send a notice by registered or certified mail to the last known address of the lessee stating that the safe-deposit box will be opened and its contents stored at the expense of the lessee unless payment of the rental is made within 30 days. If the rental is not paid within 30 days from the mailing of the notice, the box may be opened in the presence of any officer of the lessor and a notary public. The contents must be sealed in a package by the notary public, who shall write on the outside the name of the

lessee and the date of the opening in the presence of the officer. The notary public and the officer shall execute a certificate reciting the name of the lessee, the date of the opening of the box and a list of its contents. The certificate must be included in the package and a copy of the certificate must be sent by registered or certified mail to the last known address of the lessee. [The] *If the contents of the safe-deposit box have been unclaimed by the owner for 5 years or less, the* package must then be placed in the general vaults of the lessor at a rental not exceeding the rental previously charged for the [box.

2. If the contents of the safe-deposit box have not been claimed within 6 months of the mailing of the certificate, the lessor may send a further notice to the last known address of the lessee stating that, unless the accumulated charges are paid within 30 days, the contents of the box will be sold at public or private sale at a specified time and place, or, in the case of securities listed on a stock exchange, will be sold upon the exchange on or after a specified date. The time, place and manner of sale must also be posted conspicuously on the premises of the lessor and advertised once in a newspaper of general circulation in the community. If the articles are not claimed, they may then be sold in accordance with the notice.

3. Any documents or writings of a private nature, having little or no apparent value, need not be offered for sale, but must be retained, unless claimed by the owner, for 6 months. After that time, they may be destroyed. Any documents of legal significance, including wills, codicils, deeds, mortgages, policies for insurance, contracts, certificates of birth or notes or other evidence of indebtedness must be retained by the lessor or subsequent custodian, unless claimed by the owner, for 8 years after the box is opened. After that time, they may be destroyed.

4. The balance of the proceeds, after deducting accumulated charges, including the expense of advertising and conducting the sale, together with any money discovered in the box must be deposited to the credit of the lessee in any account maintained by him, or if none, must be deposited in a deposit account with the financial institution operating the safe-deposit facility, or in the case of a subsidiary safe-deposit company, an association owning stock therein, and must be identified on the books of the association as arising from the sale of contents of a safe-deposit box.] *box, until such time that the contents will have been unclaimed by the owner for more than 5 years, at which time the lessor shall deliver the package to the division of the unclaimed property of the department of business and industry pursuant to the provisions of chapter 120A of NRS.*

2. If the contents of a safe-deposit box that has been opened pursuant to subsection 1 have been unclaimed by the owner for more than 5 years, the lessor shall deliver the package to the division of unclaimed property of the department of business and industry pursuant to the provisions of chapter 120A of NRS.".

Amend the title of the bill, fourth line, after "property;" by inserting: "requiring banks and savings and loan associations to deliver certain property removed from a safe-deposit box to the division;".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 189.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 618.

Amend section 1, page 2, by deleting lines 23 through 33 and inserting:

"2. All property, interests or improvements not falling within the provisions of subsection 1 must *first* be [sold] *offered for sale* by the department singly or in combination [, to the highest bidder bidding for it either] at public auction or by sealed bids . [, the notice of which and terms of which] *If the highest bid received is 90 percent or more of the department's appraisal of the fair market value of the property, the property must be sold to the highest bidder. The notice and the terms of the sale* must be published in a newspaper of general circulation in the county where the property is situated. Those auctions and openings of bids must be conducted by the department. *If the property cannot be sold for 90 percent or more of its fair market value, the department may enter into a written listing agreement with a person licensed pursuant to chapter 645 of NRS to sell or lease the property for 90 percent or more of its fair market value.*".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 225.

Bill read second time.

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

Amendment No. 526.

Amend section 1, page 1, by deleting lines 8 and 9 and inserting: "and retirement schedules, in the detail and form established by the committee on local government finance at least 30 days before the annual meeting".

Amend section 1, page 2, line 19, after "*such bonds.*" by inserting: "*At least 30 days before each annual meeting of the commission, the authority shall submit to the department of taxation a written statement regarding whether the authority is planning to propose to issue any general obligation bonds before the next following annual meeting of the commission.*".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 177.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 714.

Amend section 1, pages 1 and 2, by deleting lines 1 through 19 on page 1 and lines 1 through 8 on page 2, and inserting:

"Section 1. (Deleted by amendment.)".

Amend the title of the bill, first and second lines, by deleting: "making the best interests of the child the determining factor in cases concerning the termination of parental rights;".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

The following amendment was proposed by Assemblyman Freeman:

Amendment No. 682.

Amend sec. 2, page 2, line 16, by deleting "*presumptions*" and inserting "*provisions*".

Amend sec. 3, page 2, lines 39 and 40, by deleting "*presumptions*" and inserting "*provisions*".

Amend sec. 3, page 3, by deleting lines 1 and 2 and inserting: "occurs later, that failure to comply is evidence of failure of parental adjustment [.]".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Lambert moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:53 p.m.

ASSEMBLY IN SESSION

At 12:55 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 137.

The following Senate amendment was read:

Amendment No. 443.

Amend section 1, page 1, line 1, by deleting "244" and inserting "332".

Amend section 1, page 1, by deleting line 4 and inserting: "*or lease of the property of a local government:*".

Amend section 1, page 1, by deleting line 11 and inserting: "*employee or representative of the governing body renders all*".

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

"An Act relating to local governments; prohibiting the restraint of competition among bidders to purchase or lease the property of a local government; providing a penalty; and providing other matters properly".

Amend the summary of the bill, first line, by deleting: "county property. (BDR 20-166)" and inserting: "property of local government. (BDR 27-166)".

Assemblyman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 137.

Remarks by Assemblyman Lambert.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 84.

The following Senate amendment was read:

Amendment No. 540.

Amend sec. 3, page 3, line 32, by deleting the period and inserting: "*for two or more separate incidences.*".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Bill No. 84.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 214.

The following Senate amendment was read:

Amendment No. 534.

Amend sec. 2, page 2, line 37, after "submit" by inserting: "the informational statement prepared pursuant to NRS 233B.066 and".

Amend sec. 2, page 2, line 47, after "2." by inserting: "If an agency submits an adopted regulation to the director of the legislative counsel bureau pursuant to subsection 1 which:

(a) The agency is required to adopt pursuant to a federal statute or regulation; and

(b) Exceeds the agency's specific statutory authority or sets forth requirements that are more stringent than a statute of this state,

it shall include a statement that adoption of the regulation is required by a federal statute or regulation. The statement must include the specific citation of the federal statute or regulation requiring such adoption.

3.".

Amend sec. 2, page 3, line 7, by deleting "3." and inserting "4.".

Amend sec. 2, page 3, line 9, by deleting the comma and inserting: "on the basis that the regulation does not conform to the statutory authority under which it was adopted or that it does not carry out the intent of the legislature in granting that authority,".

Amend sec. 2, page 3, line 11, after "regulation" by inserting: "is not required pursuant to a federal statute or regulation, if subsection 2 is applicable, or".

Amend sec. 2, page 3, line 20, by deleting "regulation.]" and inserting: "regulation.

5. If the division fails to file the regulation as required by this section, the agency may file the regulation with the secretary of state.]".

Amend sec. 3, page 3, line 33, by deleting "*If*" and inserting: "*Except as otherwise provided in subsection 4, if*".

Amend sec. 3, page 3, line 44, after "*Nevada.*" by inserting: "*If such an agency refuses to revise a regulation to which the commission has objected, the director shall promptly file it with the secretary of state and notify the agency of that filing.*".

Amend the bill as a whole by renumbering sections 4 and 5 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. NRS 233B.070 is hereby amended to read as follows:

233B.070 1. A permanent regulation becomes effective [upon filing] *when the director of the legislative counsel bureau files* with the secretary of state the original of the final draft or revision of a regulation, except where a later date is specified in the regulation.

2. A temporary or emergency regulation becomes effective upon filing with the secretary of state of the original of the final draft or revision of a regulation by the agency, together with the informational sheet prepared pursuant to NRS 233B.066. The agency shall also file a copy of the temporary or emergency regulation with the legislative counsel bureau, together with the informational sheet prepared pursuant to NRS 233B.066.

3. The secretary of state shall maintain the original of the final draft or revision of each regulation in a permanent file to be used only for the preparation of official copies.

4. The secretary of state shall file, with the original of each agency's rules of practice, the current statement of the agency concerning the date and results of its most recent review of those rules.

5. Immediately after each permanent or temporary regulation is filed, the agency shall deliver one copy of the final draft or revision, bearing the stamp of the secretary of state indicating that it has been filed, including material adopted by reference which is not already filed with the state librarian, to the state librarian for use by the public. If the agency is a licensing board as defined in NRS 439B.225 and it has adopted a permanent regulation relating to standards for licensing or for the renewal of a license issued to a person or facility regulated by the agency, the agency shall also deliver one copy of the regulation, bearing the stamp of the secretary of state, to the legislative committee on health care within 10 days after the regulation is filed with the secretary of state.

6. Each agency shall furnish a copy of all or part of that part of the Nevada Administrative Code which contains its regulations, to any person

who requests a copy, and may charge a reasonable fee for the copy based on the cost of reproduction if it does not have money appropriated or authorized for that purpose.

7. An agency which publishes any regulations included in the Nevada Administrative Code shall use the exact text of the regulation as it appears in the Nevada Administrative Code, including the leadlines and numbers of the sections. Any other material which an agency includes in a publication with its regulations must be presented in a form which clearly distinguishes that material from the regulations.''.

Assemblyman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 214.

Remarks by Assemblyman Lambert.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 286.

The following Senate amendment was read:

Amendment No. 533.

Amend section 1, page 2, line 1, by deleting ''(c) Be'' and inserting:

''(c) Include an exact copy of the provisions of subsection 2 of NRS 233B.064.

(d) Include a statement indicating whether the regulation establishes any new fee or increases an existing fee.

(e) Be''.

Assemblyman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 286.

Remarks by Assemblyman Lambert.

Motion carried.

Bill ordered enrolled.

GENERAL FILE AND THIRD READING

Assembly Bill No. 220.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Assembly Bill No. 220:

YEAS—42.

NAYS—None.

Assembly Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 229.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 229:

YEAS—42.

NAYS—None.

Assembly Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 234.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Assembly Bill No. 234:

YEAS—42.

NAYS—None.

Assembly Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 238.

Bill read third time.

Remarks by Assemblyman Allard.

Roll call on Assembly Bill No. 238:

YEAS—42.

NAYS—None.

Assembly Bill No. 238 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 259.

Bill read third time.

Remarks by Assemblymen Price, Humke, Perkins, Anderson and Steel.

Assemblymen Bache, Allard and Giunchigliani moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 259.

Roll call on Assembly Bill No. 259:

YEAS—21.

NAYS—Allard, Batten, Bennett, Braunlin, Brower, Carpenter, Close, Ernaut, Fettic, Harrington, Humke, Lambert, Marvel, Monaghan, Nolan, Sandoval, Steel, Stroth, Tiffany, Tripple, Mr. Speaker Hettrick—21.

Assembly Bill No. 259 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 531.

Bill read third time.

Remarks by Assemblyman Braunlin.

Roll call on Assembly Bill No. 531:

YEAS—40.

NAYS—Bache.

Not voting—Williams.

Assembly Bill No. 531 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 71.
Bill read third time.
Remarks by Assemblyman Brower.
Roll call on Senate Bill No. 71:
YEAS—42.
NAYS—None.

Senate Bill No. 71 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 201.
Bill read third time.
Remarks by Assemblyman Tiffany.
Roll call on Senate Bill No. 201:
YEAS—42.
NAYS—None.

Senate Bill No. 201 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 275.
Bill read third time.
Remarks by Assemblyman Williams.
Roll call on Senate Bill No. 275:
YEAS—42.
NAYS—None.

Senate Bill No. 275 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 290.
Bill read third time.
Remarks by Assemblyman Tripple.
Roll call on Senate Bill No. 290:
YEAS—42.
NAYS—None.

Senate Bill No. 290 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 293.
Bill read third time.
Remarks by Assemblymen Evans and Dini.
Conflict of interest declared by Assemblyman Harrington.
Roll call on Senate Bill No. 293:
YEAS—41.
NAYS—None.
Not voting—Harrington.

Senate Bill No. 293 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 14.

Resolution read third time.

Remarks by Assemblyman Stroth.

Roll call on Senate Joint Resolution No. 14:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 14 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 368.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Assembly Bill No. 368:

YEAS—42.

NAYS—None.

Assembly Bill No. 368 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 680—An Act relating to peace officers; providing for a period of leave of absence with pay in lieu of compensation for an industrial injury or occupational disease for certain peace officers; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that the vote whereby Assembly Bill No. 259 was lost be rescinded.

Remarks by Assemblymen Price, Humke, Ernaut and Freeman.

Motion lost.

Assemblyman Freeman moved that Assembly Bill No. 177 be placed on the Chief Clerk's desk.

Remarks by Assemblyman Freeman.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 40, 106, 302, 362; Senate Bills Nos. 178, 348.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Leah and Mike Benjamin.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to James Cashman, Jr., Mary Cashman, Bill Van Bruggen, Jocelyn Biro and Guy Pence.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Rhonda Cashman and Neil Cashman.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Douglas Byington and Constance "Connie" Walters.

On request of Assemblyman Schneider, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Kaye Cashman and James Cashman.

On request of Assemblyman Tiffany, the privilege of the floor of the Assembly Chamber for this day was extended to Tim Cashman and Denise Cashman.

On request of Assemblyman Williams, the privilege of the floor of the Assembly Chamber for this day was extended to Shirley Barber, Mrs. H. P. Fitzgerald, Shanell Bagley, Patrice Boyakins, Ray Green and Jasmine Hill.

Assemblyman Ernaut moved that the Assembly adjourn until Thursday, June 1, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 1:37 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-SEVENTH DAY

CARSON CITY (Thursday), June 1, 1995

Assembly called to order at 11:04 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblymen Batten, Humke and Krenzer, who were excused.

Prayer by the Chaplain, Mr. Bobby Moore.

Our Father, who art in Heaven: We, a few of Thy children with thanksgiving in our hearts assembled before Thee this morning, are truly thankful for this opportunity of communing with Thee through Thy Holy Spirit. We desire to worship Thee in truth and to be taught Thy ways always.

We ask that Thy blessings be with the sick, the poor, the needy and the afflicted in the world, our nation and our state this day. We especially pray for those throughout the world who live in war-like conditions; who live in fear for their lives and family members who may have to leave their homes. We also pray for the starving people around the world. Pray that Thy blessings and Thy comfort will be with them as would be Thy will.

We are truly blessed to live in this great nation, The United States of America, the greatest of all nations. We are, indeed, grateful to make our homes in the great State of Nevada, for the peace and prosperity we find here and for the beauty we have in Nevada. We are thankful for the water that we find at this time in our rivers, streams, lakes and reservoirs that help alleviate our drought problem. We are grateful for the beautiful wild flowers that are on our mountains, valleys and deserts that are blooming so abundantly, that add to the beauty of our state.

We are truly thankful and grateful for the leaders of our state government. We pray that Thy hand will be in decisions made that will benefit the people of the State of Nevada. We pray that Thou wilt bless and protect us all throughout this day and help us in all we do. This is our prayer, we humbly pray, in the Name of our Lord and Savior Jesus Christ.

AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 359, 410; Senate Joint Resolution No. 6, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 567, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 381, 446, 495, 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, May 31, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 41.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 228 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Carpenter moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Joint Resolution No. 6 declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Freeman moved that Assembly Bill No. 177 be taken from the Chief Clerk's desk.

Motion carried.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Carpenter moved that Senate Bill No. 141 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Marvel moved that Assembly Bill No. 212 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

COMMUNICATIONS

STATE OF NEVADA

A PROCLAMATION

BY THE GOVERNOR

WHEREAS, May, 1995 commemorates the 50th Anniversary of the end of World War II; and

WHEREAS, the Nevada State Legislature has the distinct honor of having several World War II Veterans serve during the 1995 Legislative Session; and

WHEREAS, Assemblyman Roy Neighbors entered the United States Navy from Tonopah in September of 1942 and later earned a promotion to Gunnersmate Third Class; and

WHEREAS, Assemblyman Roy Neighbors participated in the invasion of Casablanca on November 8th, 1942; and

WHEREAS, Assemblyman Roy Neighbors was accepted for flight training, was commissioned an Ensign in 1944, and became carrier qualified at the Great Lakes Training Station while flying the FM2 Wildcat; and

WHEREAS, Assemblyman Roy Neighbors became qualified in jet fighters and later transitioned to multiengine aircraft becoming a command pilot in the Super Connie; and

WHEREAS, Assemblyman Roy Neighbors was discharged in September 1945 and later was recalled to active service for the Korean Conflict as a Lieutenant Junior Grade and was promoted to Lieutenant; and

WHEREAS, Assemblyman Roy Neighbors served in the United States Navy until 1955, and has served two regular sessions of the Nevada Assembly;

NOW, THEREFORE, I, BOB MILLER, GOVERNOR OF THE STATE OF NEVADA, do hereby proclaim June 1, 1995 as

A Day in Honor of

ASSEMBLYMAN ROY NEIGHBORS

"World War II Veteran and Nevada State Legislator"

Outstanding Service to His Country and State

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol in Carson City, this 15th day of May in the year of Our Lord one thousand nine hundred and ninety-five.

BOB MILLER
Governor

Attest: DEAN HELLER
Secretary of State

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

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:17 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 681—An Act relating to the care of children; revising the provisions governing the submission of fingerprints used during an investigation by the bureau of services for child care of the division of child and family services of the department of human resources of a person who provides child care; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 72.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 675.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 315.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 449.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 567.

Amend section 1, page 1, by deleting lines 3 through 19 and inserting: "population is more than [40,000,] *100,000,* or its designee, shall make available for use in that county a program for:

(a) The separation at the source of recyclable material from other solid waste originating from the residential premises where services for the collection of solid waste are provided.

(b) The establishment of recycling centers for the collection and disposal of recyclable material where existing recycling centers do not carry out the purposes of the program.

(c) The disposal of hazardous household products which are capable of causing harmful physical effects if inhaled, absorbed or ingested. This program may be included as a part of [the programs] *any other program* made available pursuant to [paragraph (a) or (b).] *this subsection.*".

Amend section 1, page 1, line 21, by deleting "40,000," and inserting "[40,000,] *100,000,*".

Amend section 1, page 1, by deleting lines 22 and 23 and inserting:

"(a) May make available for use in that county a program for the separation at the source of recyclable material".

Amend section 1, page 1, line 25, by deleting: "provided [.] *; or*" and inserting "provided.".

Amend section 1, page 2, by deleting lines 1 and 2.

Amend section 1, page 2, line 6, by deleting: "*subparagraph (1) of*".

Amend the title of the bill to read as follows:

"An Act relating to recycling; revising the provisions governing whether a county is required to make available for use in that county certain programs for recycling; and providing other matters properly relating thereto.".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblymen de Braga and Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 197.

Bill read second time and ordered to third reading.

Senate Bill No. 200.
Bill read second time and ordered to third reading.

Senate Bill No. 216.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Marvel moved that Assembly Bill No. 227 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:25 a.m.

ASSEMBLY IN SESSION

At 12:11 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Allard moved that Assembly Bill No. 24 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 215, 468, 476, 496, 513.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 68, 135, 295, 333, 343, 366, 377, 389, 390, 399, 432, 481.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Arberry, Price, Buckley, Williams, Segerblom, Krenzer, Giunchigliani and Evans:

Assembly Bill No. 682—An Act relating to taxation; increasing the tax on the transfer of real property; increasing the amount of the proceeds from the tax required to be allocated to the account for low-income housing; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Taxation.
Motion carried.

Senate Bill No. 68.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 135.

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

Motion carried.

Senate Bill No. 215.

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

Motion carried.

Senate Bill No. 295.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 333.

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

Motion carried.

Senate Bill No. 343.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 366.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 377.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 389.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 390.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 399.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 432.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 468.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 476.

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

Motion carried.

Senate Bill No. 481.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 496.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 513.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Bill No. 147 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 586.

Bill read third time.

Remarks by Assemblyman de Braga.

Potential conflict of interest declared by Assemblyman Bache.

Roll call on Assembly Bill No. 586:

YEAS—39.

NAYS—None.

Absent—Batten, Humke, Krenzer—3.

Assembly Bill No. 586 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 608.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Assembly Bill No. 608:

YEAS—39.

NAYS—None.

Absent—Batten, Humke, Krenzer—3.

Assembly Bill No. 608 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 100.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Senate Bill No. 100:

YEAS—39.

NAYS—None.

Absent—Batten, Humke, Krenzer—3.

Senate Bill No. 100 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended and that Assembly Bills Nos. 586 and 608 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 230.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Senate Bill No. 230:

YEAS—31.

NAYS—Anderson, Chowning, Giunchigliani, Goldwater, Manendo, Schneider, Spitler, Tiffany—8.

Absent—Batten, Humke, Krenzer—3.

Senate Bill No. 230 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 228.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Bill No. 228:

YEAS—39.

NAYS—None.

Absent—Batten, Humke, Krenzer—3.

Senate Bill No. 228 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 6.

Resolution read third time.

Remarks by Assemblyman Neighbors.

Roll call on Senate Joint Resolution No. 6:

YEAS—39.

NAYS—None.

Absent—Batten, Humke, Krenzer—3.

Senate Joint Resolution No. 6 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Carpenter moved that all rules be suspended and that Senate Joint Resolution No. 6 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Bill No. 141.

Bill read third time.

The following amendment was proposed by Assemblyman Carpenter:

Amendment No. 648.

Amend section 1, page 1, line 16, by deleting "provide, from" and inserting: "provide [, from".

Amend section 1, page 1, line 17, by deleting "Nevada, an" and inserting "Nevada,] an".

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

"Sec. 2. NRS 349.977 is hereby repealed.".

Amend the bill as a whole by adding the text of the repealed section, following sec. 2, to read as follows:

"TEXT OF REPEALED SECTION

349.977 Limitation on use of money loaned to supplier of water. Money obtained by a supplier of water from a loan made pursuant to the program may not be used as any part of an amount of money required to be provided by the recipient as a condition of receiving a grant of money for similar purposes.".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 227.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 732.

Amend section 1, page 1, by deleting line 3 and inserting: "software, communication enhancements and other office equipment.".

Amend the title of the bill, second line, by deleting: "and communication enhancements;" and inserting: ", communication enhancements and other office equipment;".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriation to office of attorney general for certain office equipment. (BDR S-1485)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 24.

Bill read third time.

The following amendment was proposed by Assemblyman Allard:

Amendment No. 688.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

"Section 1. Chapter 353A of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 5, inclusive, of this act.

Sec. 2. *1. The office of financial management, training and controls is hereby created within the department of administration.*

2. The director shall appoint a chief of the office. The chief is in the unclassified service of the state and shall not engage in any other gainful employment or occupation.

3. The chief must:

(a) Be a certified public accountant licensed by this state or a public accountant qualified pursuant to chapter 628 of NRS to practice public accounting in this state; and

(b) Have at least 5 years of progressively responsible professional auditing experience performing internal audits or postaudits. The auditing experience must consist of audits of governmental entities or of private business organizations, whether or not organized for profit.

4. The chief may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of his duties. The chief shall not limit his own work assignments to administrative duties.

Sec. 3. *The chief of the office of financial management, training and controls shall:*

1. Report to the director.

2. Develop long-term and annual work plans to be based on the results of periodic documented risk assessments. The annual work plan must:

(a) List the agencies to which the office will provide training and assistance;

(b) Ensure that the internal accounting, administrative controls and financial management of those agencies are to be reviewed periodically; and

(c) Be submitted to the director for approval.

3. Provide a copy of the approved annual work plan to the legislative auditor.

Sec. 4. *1. The office of financial management, training and controls shall:*

(a) Determine the adequacy of the system of internal accounting, administrative control and financial management of each agency to which the office provides training and assistance.

(b) Develop regulations for adoption by the state board of examiners requiring the provision of training to any employee of an agency who is responsible for administering budgetary accounts. The training must address:

(1) The laws and regulations of this state and the Federal Government applicable to the operations of the agency.

(2) Internal accounting, administrative controls and financial management.

(3) Techniques to address the adequacy of controls of the agency.

(c) Develop and administer a procedure to evaluate the effectiveness of any training provided to an agency.

(d) Provide technical assistance to agencies in developing and carrying out their systems of internal accounting, administrative controls and financial management.

(e) Prepare separate reports for each agency which summarize the results of the training and assistance provided to the agency.

2. The office of financial management, training and controls shall not:

(a) Provide any services to an agency that is under the direct control or administration of a constitutional officer unless the constitutional officer requests such services.

(b) Conduct investigations, but shall refer such matters to the appropriate agency.

Sec. 5. *1. Within 90 days after the end of each fiscal year, the chief of the office of financial management, training and controls shall issue an annual report which:*

(a) Lists the agencies to which the office provided training, evaluated controls and carried out systems of internal accounting, administrative controls and financial management;

(b) Separately lists any other related activities undertaken by the chief and the status of those activities; and

(c) Describes the accomplishments of the office.

2. The chief shall provide a copy of the annual report to the:

(a) Governor;

(b) Director;

(c) Interim finance committee; and

(d) Legislative auditor.

Sec. 6. 1. This act becomes effective on July 1, 1995.

2. Sections 1 to 5, inclusive, of this act expire by limitation on July 1, 1997.".

Amend the title of the bill to read as follows:

"An Act relating to state financial administration; creating the office of financial management, training and controls; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Creates office of financial management, training and controls. (BDR 31-592)".

Assemblyman Allard moved the adoption of the amendment.

Remarks by Assemblyman Allard.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 147.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 731.

Amend section 1, page 2, line 22, by deleting: "[Fifty cents] *One dollar*" and inserting "Fifty cents".

Amend the title of the bill, sixth and seventh lines, by deleting: "increasing the service fees which license agents are entitled to receive;".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, de Braga, Carpenter, Close, Segerblom and Allard.

Assemblymen Bache, Giunchigliani and Anderson moved the previous question.

Motion carried.

The question being on the motion to adopt Amendment No. 731 to Assembly Bill No. 147.

Assemblymen Bache, Allard and Close requested a roll call on Assemblyman Giunchigliani's motion.

Roll call on Assemblyman Giunchigliani's motion:

YEAS—17.

NAYS—Arberry, Bennett, Buckley, Carpenter, Chowning, de Braga, Fettic, Freeman, Goldwater, Marvel, Neighbors, Nolan, Sandoval, Schneider, Segerblom, Stroth, Tiffany, Tripple, Williams, Mr. Speaker Dini—20.

Absent—Batten, Humke, Krenzer—3.

Not voting—Anderson, Ernaut—2.

The motion having failed to receive a majority, Mr. Speaker declared the amendment lost.

Assembly Bill No. 147.

Bill read third time.

Roll call on Assembly Bill No. 147:

YEAS—32.

NAYS—Allard, Bache, Braunlin, Close, Giunchigliani, Ohrenschall, Spitler—7.

Absent—Batten, Humke, Krenzer—3.

Assembly Bill No. 147 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 84, 137, 214, 286; Assembly Resolution No. 10; Senate Concurrent Resolution No. 42.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Douglas Byington.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Elaine Smith and Bill Smith.

Assemblyman Perkins moved that the Assembly adjourn until Friday, June 2, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 1:04 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND THIRTY-EIGHTH DAY

CARSON CITY (Friday), June 2, 1995

Assembly called to order at 11:10 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, Mr. Roger Comstock.

Our Dear Heavenly Father: We pause a few moments at the beginning of this session of the Nevada State Assembly, to give Thee thanks for the many blessings we enjoy and to invoke Thy continued blessings on this Assembly.

We are thankful for this beautiful and prosperous State of Nevada, for the freedoms and opportunities available to each of us. We give thanks for dedicated men and women who are willing to leave their homes, their jobs, their businesses and professions, and their families, and come here to Carson City to labor together in this Assembly, to help make Nevada a better place for all us.

As the pace increases with the approaching end of this 1995 session, we pray for Thy Holy Spirit to be with each of them. Grant them strength and stamina, patience, wisdom and a spirit of cooperation and helpfulness. Let them not lose their sense of humor, their dedication and diligence, nor their integrity. Help them to accomplish all that needs to be accomplished, to remain friendly and kind one to another, and to be satisfied and to feel good about all they have done here. Let them listen to their conscience.

All these blessings we ask, humbly, in the Name of Jesus Christ. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 279, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JACK D. CLOSE, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Joint Resolution No. 23 of the 67th Session, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JACK D. CLOSE, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Concurrent Resolution No. 39, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JACK D. CLOSE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 428, 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 288, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN MONAGHAN, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bill No. 334; Senate Bills Nos. 297, 323, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 1, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 396, 431.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 151, 158, 281, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 286.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Joint Resolution No. 12.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Humke moved that Assembly Bill No. 91 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Freeman moved that Assembly Bill No. 177 be placed at the top of the General File.

Motion carried.

Assembly Concurrent Resolution No. 32.

Assemblyman Close moved the adoption of the resolution.

Remarks by Assemblyman Close.

Resolution adopted, as amended.

SECOND READING AND AMENDMENT

Assembly Bill No. 381.

Bill read second time.

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

Amendment No. 525.

Amend section 1, page 1, line 10, after "3." by inserting: "An agency of this state shall not attempt to obtain energy savings by conserving energy in such a manner as to compromise the comfort or safety of its employees.

4.".

Assemblyman Braunlin moved the adoption of the amendment.

Remarks by Assemblyman Braunlin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 446.

Bill read second time.

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

Amendment No. 392.

Amend the bill as a whole by deleting sections 1 and 2 and the leadlines of the repealed sections and adding new sections designated sections 1 through 3 and the text of the repealed sections, following the enacting clause, to read as follows:

"Section 1. NRS 349.264 is hereby amended to read as follows:

349.264 Before selling any state securities publicly, the commission shall [:

1. Cause] *cause* a notice [calling for bids for the purchase of the securities] *of the sale* to be published [at least 10 days] before the date of sale, in [a newspaper published within the boundaries of the state and having general circulation therein.

2. Cause such other notice to be given as the commission may direct.

3. Cause, at least 1 week before the date fixed for the sale, a copy of the notice to be mailed to the state board of finance, Carson City, Nevada.] *the daily or weekly version of the Bond Buyer, published at One State Street Plaza in New York City, New York, or any successor publication.*

Sec. 2. NRS 349.266, 349.268 and 349.272 are hereby repealed.

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

TEXT OF REPEALED SECTIONS

349.266 Notice of public sale: Contents. The notice shall:

1. Specify a place and designate a day and the hour thereof subsequent to the date of the last publication when sealed bids for the purchase of the securities shall be received and opened publicly.

2. Specify the maximum rate of interest which the securities shall bear.

3. Require each bidder to submit a bid specifying the lowest rate or rates of interest and premium, if any, at which the bidder will purchase the securities, at or above par, or, if so permitted by the commission, below par at a discount not exceeding the maximum discount fixed by the commission.

349.268 Bids: Written and sealed; amount of deposit. All bids must:

1. Be in writing and be sealed; and

2. Except any bid of the state or the Federal Government, if one is received, be accompanied by a deposit of an amount of at least 2 percent of the principal amount of the securities:

(a) In cash, or by cashier's check or treasurer's check of, or by certified check drawn on, a solvent commercial bank or trust company in the United States, which deposit must be returned if the bid is not accepted; or

(b) By financial surety bond provided by an insurer authorized to transact insurance in this state.

349.272 Return and forfeiture of deposits; acceptance of next best bid; readvertisement or private sale.

1. If a bid is accepted, the deposits of all other bidders shall be thereupon returned. If all bids are rejected, all deposits shall be returned forthwith.

2. If the successful bidder fails or neglects to complete the purchase of the securities within 30 days following the acceptance of his bid, or within 10 days after the bonds are made ready and are tendered by the state for delivery, whichever is later, the amount of his deposit shall be forfeited to the state (but no bidder shall forfeit such deposit whenever the securities are not ready and so tendered for delivery within 60 days from the date of the acceptance of his bid), and the commission may accept the bid of the person making the next best bid.

3. If all bids are rejected or if no bid is received, the commission may readvertise the securities for sale in the same manner as provided for the original advertisement or may sell the securities privately within a period not exceeding 90 days from the day designated in the notice of sale when sealed bids for the purchase of the securities were advertised to be received and opened publicly.".

Amend the title of the bill, first line, by deleting "repealing" and inserting "revising".

Amend the summary of the bill, first line, by deleting "Repeals" and inserting "Revises".

Assemblyman Braunlin moved the adoption of the amendment.

Remarks by Assemblyman Braunlin.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 495.

Bill read second time.

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

Amendment No. 595.

Amend section 1, page 1, line 3, by deleting "*A*" and inserting "*1. A*".

Amend section 1, page 1, line 6, by deleting "*If*" and inserting: "*Except as otherwise provided in subsection 2, if*".

Amend section 1, page 1, after line 7, by inserting:

"*2. The presiding officer may deny a request to place an additional item on the agenda for the next meeting of the body if:*

(a) The agenda for the next meeting has been finalized and preparatory materials for that meeting have been assembled;

(b) Placing the additional item of business on the agenda for the next meeting would not allow sufficient time for items already scheduled; or

(c) The request concerns an item upon which the body has previously taken final action.

3. If the presiding officer denies a request to place an item on the agenda for the next meeting of the body pursuant to paragraph (a) or (b) of subsection 2, he shall place the item on the agenda for the next meeting during which it is possible for the item to be heard. When placing an item on a future agenda pursuant to a request made pursuant to subsection 1, the presiding officer shall give preference to each request according to the order in which the request was received.".

Amend the title of the bill by deleting the second line and inserting: "body to request an item of business to be placed on the agenda for a future meeting of the body; requiring the presiding officer to place the item on the agenda under certain circumstances; and".

Amend the summary of the bill to read as follows:

"Summary—Requires presiding officer of public body to place item on agenda for future meeting upon request of member of body under certain circumstances. (BDR 19-1628)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 518.

Bill read second time.

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

Amendment No. 699.

Amend section 1, page 2, by deleting line 11 and inserting:

"*4. The provisions of this section do not apply to an employee in the classified service who has not completed his probationary period.*

5. For the purposes of this section:".

Amend the title of the bill by deleting the second and third lines and inserting: "against certain employees who testify or seek to testify before a house or committee of the legislature on their own behalf; and providing other matters properly relating".

Amend the summary of the bill to read as follows:

"Summary—Prohibits state agency from taking certain adverse action against certain employees for testimony before legislative house or committee on their own behalf. (BDR 17-1629)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 567.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 359.

Bill read second time and ordered to third reading.

Senate Bill No. 410.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 177.

Bill read third time.

Remarks by Assemblymen Buckley, Ernaut and Freeman.

Roll call on Assembly Bill No. 177:

YEAS—42.

NAYS—None.

Assembly Bill No. 177 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Assemblyman Freeman moved that all rules be suspended and that Assembly Bill No. 177 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Bill No. 46.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 46:

YEAS—42.

NAYS—None.

Assembly Bill No. 46 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 95.

Bill read third time.

Remarks by Assemblyman Perkins.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:34 a.m.

ASSEMBLY IN SESSION

At 11:37 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Perkins moved that Assembly Bill No. 95 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 315.

Bill read third time.

Remarks by Assemblymen Dini and Goldwater.

Conflicts of interest declared by Assemblymen Harrington, Evans, Humke and Price.

Roll call on Assembly Bill No. 315:

YEAS—34.

NAYS—Braunlin, Giunchigliani, Goldwater, Tiffany, Tripple—5.

Not voting—Evans, Harrington, Humke—3.

Assembly Bill No. 315 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 328.

Bill read third time.

Remarks by Assemblymen Neighbors and Dini.

Potential conflict of interest declared by Assemblyman Fettic.

Roll call on Assembly Bill No. 328:

YEAS—42.

NAYS—None.

Assembly Bill No. 328 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 435.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 435:

YEAS—42.

NAYS—None.

Assembly Bill No. 435 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 477.

Bill read third time.

Remarks by Assemblyman Allard.

Roll call on Assembly Bill No. 477:

YEAS—41.

NAYS—None.

Not voting—Humke.

Assembly Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 478.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Assembly Bill No. 478:

YEAS—42.

NAYS—None.

Assembly Bill No. 478 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 488.

Bill read third time.

Remarks by Assemblymen Tiffany, Bennett and Humke.

Roll call on Assembly Bill No. 488:

YEAS—42.

NAYS—None.

Assembly Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that all rules be suspended and that Assembly Concurrent Resolution No. 32; Assembly Bills Nos. 46, 315, 328, 435, 477, 478 and 488 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 155.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Senate Bill No. 155:

YEAS—42.

NAYS—None.

Senate Bill No. 155 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 189.

Bill read third time.

Remarks by Assemblyman Anderson.

Potential conflicts of interest declared by Assemblymen Chowning, Fettic and Price.

Roll call on Senate Bill No. 189:
YEAS—42.
NAYS—None.

Senate Bill No. 189 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 197.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 197:
YEAS—41.
NAYS—Bennett.

Senate Bill No. 197 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 200.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Senate Bill No. 200:
YEAS—42.
NAYS—None.

Senate Bill No. 200 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 216.
Bill read third time.
Remarks by Assemblyman Evans.
Roll call on Senate Bill No. 216:
YEAS—42.
NAYS—None.

Senate Bill No. 216 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 225.
Bill read third time.
Remarks by Assemblyman Ernaut.
Roll call on Senate Bill No. 225:
YEAS—40.
NAYS—Freeman, Lambert—2.

Senate Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 91.
Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 91:

YEAS—42.

NAYS—None.

Assembly Bill No. 91 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bill No. 476; Senate Bill No. 131, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 69, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 539, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 363, 514.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 193, 212, 369.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 193.

Assemblyman Ernaut moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 212.

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

Motion carried.

Senate Bill No. 363.

Assemblyman Ernaut moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 369.

Assemblyman Ernaut moved that the bill be referred to the Concurrent Committees on Judiciary and Ways and Means.

Motion carried.

Senate Bill No. 514.

Assemblyman Ernaut moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By Assemblyman Tiffany:

Assembly Bill No. 683—An Act relating to financial support of the school system; authorizing certain school districts to levy a special tax for capital projects; specifying the purposes for and the manner in which the proceeds of the tax may be used; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Education.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Joint Resolution No. 12, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Bache.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Neighbors, Bennett and Freeman as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Joint Resolution No. 12.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 281.

The following Senate amendment was read:

Amendment No. 556.

Amend section 1, page 2, line 6, after "municipality." by inserting: "*Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection.*".

Assemblyman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 281.

Remarks by Assemblyman Lambert.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 151.

The following Senate amendments were read:

Amendment No. 516.

Amend section 1, page 1, by deleting lines 3 through 8 and inserting:

"*A defendant shall:*

1. Not later than the date on which both parties appear before the court and announce they are ready for trial or not less than 5 judicial days before trial, whichever occurs first, file and serve upon the district attorney a written notice containing the names and last known addresses of all known prospective witnesses; and

2. If any witness is expected to offer testimony as an expert witness, file and serve upon the district attorney not less than 21 days before trial or at such other time as the court may direct, a written notice containing:".

Amend sec. 3, page 2, by deleting lines 28 and 29 and inserting:

"174.235 [Upon motion]

1. At the request of a defendant , [the court may order] the district attorney [to] *shall* permit the defendant to inspect and copy or photograph any".

Amend sec. 3, page 2, by deleting lines 41 and 42 and inserting:

"*2. At the request of the district attorney, the defendant shall permit the district attorney to inspect and copy or photograph any relevant:*".

Amend sec. 3, page 3, by deleting lines 4 through 6.

Amend the bill as a whole by deleting sections 4 through 6 and adding new sections designated sections 4 through 8 and the text of repealed sections, following sec. 3, to read as follows:

"Sec. 4. NRS 174.245 is hereby amended to read as follows:

174.245 [Upon motion]

1. At the request of a defendant , [the court may order] the district attorney [to] *shall* permit the defendant to inspect and copy or photograph books, papers, documents, tangible objects, buildings or places, or copies or portions thereof, which are within the possession, custody or control of the state . [, upon a showing of materiality to the preparation of his defense and that the request is reasonable.] Except as *otherwise* provided in NRS 174.087 and *paragraph (b) of* subsection [2] *1* of NRS 174.235, this [section] *subsection* does not authorize the discovery or inspection of reports, memoranda or other internal state documents made by state agents in connection with the investigation or prosecution of the case, or of statements made by state witnesses or prospective state witnesses , [(] other than the defendant , [)] to agents of the state.

2. At the request of the district attorney, the defendant shall permit the district attorney to inspect and copy or photograph books, papers, documents, tangible objects, buildings or places, or copies or portions thereof, which are within his possession, custody or control. This subsection does not authorize the discovery or inspection of reports, memoranda or other internal defense documents made by the defendant, or his attorneys or agents in connection with the investigation or defense of the case, or of statements made by the defendant, or by state or defense witnesses, or by prospective state or defense witnesses, to the defendant, his agents or attorneys.

Sec. 5. NRS 174.275 is hereby amended to read as follows:

174.275 Upon a sufficient showing , the court may at any time order that the discovery or inspection be denied, restricted or deferred, or make such other order as is appropriate. Upon motion by the [state] *defendant or district attorney,* the court may permit the [state] *defendant or district attorney* to make such showing, in whole or in part, in the form of a written statement to be inspected by the court in chambers. If the court enters an order granting relief following a showing in chambers, the entire text of the [state's statement shall] *written statement must* be sealed and preserved in the records of the court to be made available to the appellate court in the event of an appeal . [by the defendant.]

Sec. 6. NRS 174.285 is hereby amended to read as follows:

174.285 A [motion under] *request made pursuant to* NRS 174.235 to 174.295, inclusive, may be made only within 10 days after arraignment or at such reasonable later time as the court may permit. [The motion shall include all relief sought under such sections.] A subsequent [motion] *request* may be made only upon a showing of cause why [such motion] *the request* would be in the interest of justice.

Sec. 7. NRS 174.295 is hereby amended to read as follows:

174.295 If, [subsequent to compliance with an order issued pursuant to] *after complying with the provisions of* NRS 174.235 to 174.295, inclusive, and [prior to] *before* or during trial, a party discovers additional material previously requested [or ordered] which is subject to discovery or inspection under [such] *those* sections, he shall promptly notify the other party or his attorney or the court of the existence of the additional material. If at any time during the course of the proceedings it is brought to the attention of the court that a party has failed to comply with [such sections or with an order issued pursuant to such] *those* sections, the court may order [such] *the* party to permit the discovery or inspection of materials not previously disclosed, grant a continuance, or prohibit the party from introducing in evidence the material not disclosed, or it may enter such other order as it deems just under the circumstances.

Sec. 8. NRS 174.255 and 174.265 are hereby repealed.

TEXT OF REPEALED SECTIONS

174.255 Discovery by state. If the court grants relief sought by the defendant under subsection 2 of NRS 174.235 or under NRS 174.245, it may, upon motion of the state, condition its order by requiring that the defendant permit the state to inspect and copy or photograph scientific or medical reports, books, papers, documents, tangible objects, or copies or portions thereof, which the defendant intends to produce at the trial and which are within his possession, custody or control, upon a showing of materiality to the preparation of the state's case and that the request is reasonable. Except as to scientific or medical reports, this section does not authorize the discovery or inspection of reports, memoranda, or other internal defense documents made by the defendant, or his attorneys or agents

in connection with the investigation or defense of the case, or of statements made by the defendant, or by state or defense witnesses, or by prospective state or defense witnesses, to the defendant, his agents or attorneys.

174.265 Time, place and manner of discovery and inspection. An order of the court granting relief under NRS 174.235 to 174.295, inclusive, shall specify the time, place and manner of making the discovery and inspection permitted and may prescribe such terms and conditions as are just.".

Amend the title of the bill by deleting the second and third lines and inserting: "district attorney of prospective witnesses; requiring a party to a criminal proceeding to permit the discovery or inspection of certain statements, documents and places upon the request of the opposing party; and providing other".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes to provisions governing disclosure of witnesses and discovery and inspection of evidence for criminal proceeding. (BDR 14-1182)".

Amendment No. 656.

Amend section 1, page 1, by deleting lines 5 and 6 and inserting: "*and announce they are ready for trial or, if such an appearance is not required, not less than 5 judicial days before trial, file and serve upon the prosecuting attorney a written*".

Amend section 1, page 1, line 10, by deleting "*district*" and inserting "*prosecuting*".

Amend sec. 2, page 2, line 1, by deleting "district" and inserting "[district] *prosecuting*".

Amend sec. 2, page 2, line 8, by deleting "district" and inserting "[district] *prosecuting*".

Amend sec. 2, page 2, line 10, by deleting "district" and inserting "[district] *prosecuting*".

Amend sec. 2, page 2, line 12, by deleting "district" and inserting "[district] *prosecuting*".

Amend sec. 2, page 2, line 22, by deleting "district" and inserting "[district] *prosecuting*".

Amend sec. 2, page 2, line 25, by deleting "district" and inserting "[district] *prosecuting*".

Amend sec. 2, page 2, line 26, by deleting "district" and inserting "[district] *prosecuting*".

Amend sec. 2, page 2, line 28, by deleting "district" and inserting "[district] *prosecuting*".

Amend sec. 3, page 2, by deleting lines 32 and 33 and inserting:

"*1. At the request* of a defendant , the [court may order the district attorney to] *prosecuting attorney shall* permit the defendant to inspect and copy or photograph".

Amend sec. 3, page 2, line 39, by deleting "district" and inserting "[district] *prosecuting*".

Amend sec. 3, page 2, line 44, by deleting "district" and inserting "[district] *prosecuting*".

Amend sec. 3, page 2, line 45, by deleting "*district*" and inserting "*prosecuting*".

Amend sec. 3, page 2, line 46, by deleting "*district*" and inserting "*prosecuting*".

Amend sec. 4, page 3, by deleting lines 10 and 11 and inserting:

"*1. At the request* of a defendant , the [court may order the district attorney to] *prosecuting attorney shall* permit the defendant to inspect and copy or photograph".

Amend sec. 4, page 3, line 22, by deleting "*district*" and inserting "*prosecuting*".

Amend sec. 4, page 3, line 23, by deleting "*district*" and inserting "*prosecuting*".

Amend sec. 5, page 3, line 34, by deleting "*district*" and inserting "*prosecuting*".

Amend sec. 5, page 3, line 35, by deleting "*district*" and inserting "*prosecuting*".

Amend the title of the bill, second line, by deleting "district" and inserting "prosecuting".

Assemblyman Humke moved that the Assembly concur in the Senate amendments to Assembly Bill No. 151.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 319, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 307, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 192, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Joint Resolution No. 3, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JACK D. CLOSE, *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Concurrent Resolution No. 41; Assembly Resolution No. 11; Senate Bills Nos. 71, 201, 275, 286, 290; Senate Joint Resolution No. 14; Senate Concurrent Resolutions Nos. 44, 45.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Dunfield.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to David Gillum.

Assemblyman Ernaut moved that the Assembly adjourn until Monday, June 5, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:31 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-FIRST DAY

CARSON CITY (Monday), June 5, 1995

Assembly called to order at 11:07 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ronald Rhoads.

Let us pray: Almighty God, give these leaders an increased sense of responsibility today and every day for the matters the people of this state have entrusted to them. As they go about the business of our state, let them exercise the best possible stewardship of both earthly resources and the spiritual riches You have placed under their control and supervision. In Your Name, we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 303, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 645, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN MONAGHAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 624, 643; Senate Bill No. 273 has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 375, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 85, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Assembly Bill No. 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 196, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Education.

WENDELL P. WILLIAMS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 147, 206, 277, 305, 500, 535.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 17.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Assembly Concurrent Resolution No. 24, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 39.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted.

SECOND READING AND AMENDMENT

Assembly Bill No. 279.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 745.

Amend the bill as a whole by renumbering section 1 as sec. 5 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. Each board of county commissioners and city council may request the legislative counsel and the legal division of the legislative counsel bureau to prepare any legislative measures which have been approved by the governing body of the county or city at a public hearing before its submission to the legislative counsel bureau.*

2. The legislative counsel shall notify the requesting county or city if its request substantially duplicates a request previously submitted by another county or city.

3. Except as otherwise provided in this subsection, the legislative counsel bureau shall charge and collect from each county and city which requests the preparation of legislative measures the fee established by the legislative commission for this purpose. A fee must not be charged for:

(a) The first 30 such requests submitted by a county or city whose population is 100,000 or more; and

(b) The first 15 such requests submitted by a county or city whose population is less than 100,000.

Sec. 3. *1. An association of elected officials shall not request the preparation of more than 5 legislative measures directly to the legislative counsel and the legal division of the legislative counsel bureau.*

2. An association of counties or cities shall not request the preparation of more than 10 legislative measures directly to the legislative counsel and the legal division of the legislative counsel bureau.

Sec. 4. NRS 218.240 is hereby amended to read as follows:

218.240 1. The legislative counsel and the legal division of the legislative counsel bureau shall prepare and assist in the preparation and amendment of legislative measures when requested or upon suggestion as provided in NRS 218.240 to 218.255, inclusive [.] *, and sections 2 and 3 of this act.* Except as otherwise provided in subsection 2, the legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation and amendment of legislative measures directly submitted or requested by a natural person, corporation, firm, association or other entity, including an organization that represents governmental agencies, unless the requester, or if the requester is a natural person the office or other position held by the person, is created by the constitution or laws of this state.

2. The legislative commission may authorize an entity that is not otherwise authorized pursuant to NRS 218.240 to 218.255, inclusive, *and sections 2 and 3 of this act,* to request the preparation of legislative measures to submit requests directly to the legislative counsel and the legal division of the legislative counsel bureau [.] *before September 1 preceding the convening of a regular session of the legislature.* The legislative commission shall not authorize an entity to request the preparation of more than [10] *5* measures *for a particular regular session of the legislature* pursuant to this subsection.

3. *An interim committee which conducts a study or investigation pursuant to subsection 5 of NRS 218.682 shall not request the preparation of more than 10 legislative measures unless the legislative commission approves each additional request by a majority vote.*

4. The legislative counsel shall give consideration to and service concerning any measure before the legislature which is requested by the governor, the senate or assembly, or any committee of the legislature having the measure before it for consideration.

[4.] *5.* The legislative counsel may deliver to the superintendent of the state printing and micrographics division of the department of administration and request that he print or preset the type for printing a legislative measure before its introduction upon the consent of the person or persons requesting the measure. If the measure has been requested by a legislator, the superintendent shall promptly comply with this request.".

Amend section 1, page 1, line 3, by deleting: "*in this section or*".

Amend section 1, page 1, line 5, by deleting "local government," and inserting: "[local government,] *county or city,*".

Amend section 1, page 1, by deleting lines 7 and 8.

Amend section 1, page 1, line 9, by deleting "*3.*" and inserting "*2.*".

Amend section 1, page 1, line 12, by deleting "local government" and inserting: "[local government] *from a county or city*".

Amend section 1, page 1, by deleting line 20 and inserting:

"[3.] *(c) Within 2 weeks after the commencement of a regular session of the legislature, any county or city which has requested the preparation of more than one legislative measure for that session shall submit to the legislative counsel a list which designates the order of priority for each request.*

The priority [so] designated *pursuant to this subsection* must guide the legislative counsel in acting".

Amend section 1, page 2, lines 1 and 2, by deleting: "officer [, and each local government among themselves,]" and inserting: "officer, and each [local government among themselves,] *county and city,*".

Amend the bill as a whole by adding new sections designated sections 6 through 8, following section 1, to read as follows:

"Sec. 6. NRS 218.245 is hereby amended to read as follows:

218.245 1. Except as otherwise provided in subsections 2 and 5, the legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation of proposed legislation for any agency or officer of the executive branch of the state government or for a [local government] *county or city* before a regular session of the legislature unless the request is approved by the governor or a designated member of his staff, or the [responsible officer of a local government,] *governing body of the county or city,* and transmitted to the legislative counsel before September 1 preceding the convening of the session.

2. A request for proposed legislation may be submitted to the legislative counsel by the board of regents, lieutenant governor, secretary of state, attorney general, state controller or state treasurer without the approval of the governor or a designated member of his staff.

3. After November 1, preceding a legislative session, the legislative counsel and the legal division of the legislative counsel bureau shall give full priority to the preparation of proposed legislation requested by members of the legislature.

4. The legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation of any proposed legislation during any regular session of the legislature except upon the request of a member of the legislature or the personal written request of the governor.

5. An agency or officer of the executive branch of the state government or a [local government,] *county or city,* shall not request a legislator to have legislation drafted on its behalf. The legislative commission, when the legislature is not in session, or a standing committee which has jurisdiction of the subject matter when the legislature is in session, may, if it finds that exceptional circumstances so warrant, authorize the drafting of legislation requested after the time limited by subsection 1.

Sec. 7. NRS 218.625 is hereby amended to read as follows:

218.625 1. The director, other officers and employees of the legislative counsel bureau shall not:

(a) Oppose or urge legislation, except as the duties of the director, the legislative auditor, the legislative counsel, the research director and the fiscal analysts require them to make recommendations to the legislature.

(b) Except as otherwise provided in this section, NRS 218.2475, 218.2477 and 353.211, disclose to any person outside the legislative counsel bureau the contents or nature of any matter, unless the person entrusting the matter to the legislative counsel bureau so requests or consents.

2. Except as the legislative auditor and his staff are further restricted by this chapter, the nature or content of any work previously done by the personnel of the legislative counsel bureau may be disclosed to a legislator or public agency if or to the extent that the disclosure does not reveal the identity of the person who requested it or include any material submitted by the requester which has not been published or publicly disclosed.

3. When a statute has been enacted or a resolution adopted, the legislative counsel shall upon request disclose to any person the state or other jurisdiction from whose law it appears to have been adopted.

4. The records of the travel expenses of legislators and officers and employees of the legislative counsel bureau are available for public inspection at such reasonable hours and under such other conditions as the legislative commission prescribes.

5. If a legislator asks whether a request for proposed legislation relating to a specific topic has been submitted to the legislative counsel for preparation, the legislative counsel shall disclose to that legislator whether such a request has been submitted.

6. Upon receipt of a request for the preparation of a measure to be submitted to the legislature which duplicates or closely resembles a request previously submitted for the same legislative session, the legislative counsel shall, to the extent practicable, notify the [person] *legislator or other requester* submitting the duplicative request of that fact and, except as otherwise provided in this subsection, ask the [person] *legislator or other requester* to withdraw the request. If the request is not withdrawn, the legislative counsel shall inform the previous requester of the fact that a duplicative request has been made. If the request is submitted by a legislator on his own behalf, and the previous request was submitted by a legislator who is a member of the other house of the legislature, the legislative counsel shall inform the second requester of the fact that the request is duplicative.

Sec. 8. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.".

Amend the title of the bill to read as follows:

"An Act relating to legislation; revising the provisions governing requests for drafting legislative measures; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing requests for legislative measures. (BDR 17-1366)".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 334.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 397.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 702.

Amend section 1, page 1, line 1, by deleting "334" and inserting "333".

Amend section 1, page 1, by deleting lines 3 through 20 and inserting:

"*1. Except as otherwise provided in subsection 2, the fuel economy of each new motor vehicle which is leased or purchased each year by or on behalf of the State of Nevada must equal or exceed the average fuel economy standard for the classification and model year of the vehicle as established by the Secretary of Transportation pursuant to 49 U.S.C. § 32902.*

2. The chief may prescribe by regulation circumstances under which he will grant an exemption from the provisions of subsection 1.

3. The chief shall report to the legislature at the beginning of each regular session:

(a) The number of motor vehicles that have been purchased or leased by or on behalf of the State of Nevada during the biennium;

(b) The accumulative net difference, if any, in the price of the motor vehicles purchased or leased during the biennium based on whether they complied with the average fuel economy standards;

(c) The number of exemptions that were granted during the biennium pursuant to subsection 2 and the reason for granting each exemption;

(d) Any savings in the cost of fuel as a result of the purchase or lease of motor vehicles in compliance with this section; and

(e) Any other information regarding the purchase or lease of motor vehicles by or on behalf of the State of Nevada which he deems appropriate.

4. As used in this section, "fuel economy" means the average number of miles traveled by a motor vehicle for each gallon of gasoline or equivalent amount of another fuel, as determined by the administrator of the Environmental Protection Agency pursuant to 49 U.S.C. § 32904(c).".

Amend the title of the bill, first line, by deleting "a".

Amend the title of the bill by deleting the second line and inserting: "the State of Nevada meet or exceed the average fuel economy standards established by the Federal".

Amend the summary of the bill by deleting the first line and inserting:

"Summary—Requires that certain motor vehicles purchased or leased by or on behalf of State of Nevada meet or exceed".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 428.

Bill read second time.

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

Amendment No. 727.

Amend section 1, page 1, by deleting line 4 and inserting:

"Section 1.010 Preamble: Legislative intent.

1. In order to provide for the orderly government of the".

Amend sec. 2, page 2, by deleting line 7 and inserting:

"Sec. 1.040 Wards: Creation; boundaries.

1. The city must be divided into four wards, which".

Amend sec. 3, page 2, by deleting line 25 and inserting:

"Sec. 1.070 Elective offices: Vacancies.

1. A vacancy in the city council or in the office of".

Amend sec. 4, page 2, by deleting line 38 and inserting:

"Sec. 1.090 Appointive offices.

1. The city council of the city shall appoint the follow-".

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

"[(f)] *(d) Director of finance.*

(e) Such other officers as may be necessary.".

Amend the bill as a whole by renumbering sec. 5 as sec. 6 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. Section 2.010 of the charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 23, Statutes of Nevada 1993, at page 45, is hereby amended to read as follows:

Sec. 2.010 City council: Qualifications; election; term of office; salary.

1. The legislative power of the city is vested in a city council consisting of four councilmen and the mayor.

2. The mayor must be:

(a) [An actual and] *A* bona fide resident of the territory which is established by the boundaries of the city for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the city.

3. Each councilman must be:

(a) [An actual and] *A* bona fide resident of the territory which is established by the boundaries of the city for the 12 months immediately preceding the last day for filing a declaration of candidacy for the office.

(b) A qualified elector within the ward which he represents.

(c) A resident of the ward which he represents [,] *for at least 30 days immediately preceding the last day for filing a declaration of candidacy for the office,* except that changes in ward boundaries pursuant to the provisions of section 1.040 [,] do not affect the right of any elected councilman to continue in office for the term for which he was elected.

4. All councilmen, including the mayor, must be voted upon by the registered voters of the city at large and shall serve for terms of 4 years.

5. The mayor and councilmen are entitled to receive a salary in an amount fixed by the city council. *The city council shall not adopt an ordinance which increases or decreases the salary of the mayor or the councilmen during the term for which they have been elected or appointed.*".

Amend sec. 5, page 3, by deleting line 8 and inserting:

"Sec. 2.050 Meetings: Special.

1. Special meetings may be held on call of the mayor or".

Amend the bill as a whole by renumbering sections 6 through 9 as sections 8 through 11 and adding a new section designated sec. 7, following sec. 5, to read as follows:

"Sec. 7. Section 2.080 of the charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, at page 406, is hereby amended to read as follows:

Sec. 2.080 Powers of city council: Ordinances, resolutions and orders.

1. The city council may make and pass all ordinances, resolutions and orders not repugnant to the Constitution of the United States or the State of Nevada, or to the provisions of Nevada Revised Statutes or of this charter, necessary for the municipal government and the management of the affairs of the city, and for the execution of all the powers vested in the city.

2. When power is conferred upon the city council to do and perform anything, and the manner of exercising such power is not specifically provided for, the city council may provide by ordinance the manner and details necessary for the full exercise of such power.

3. The city council may enforce ordinances by providing penalties not to exceed those established by the legislature for misdemeanors.

4. The city council [shall have] *has* such powers, not in conflict with the express or implied provisions of this charter, as are conferred generally by statute upon the governing bodies of cities organized under a special charter.

[5. The city council shall not pass any ordinance increasing or diminishing the salary of any elective officer during the term for which he is elected or appointed.]".

Amend sec. 6, page 3, by deleting line 25 and inserting:

"Sec. 2.100 Ordinances: Enactment procedure; emergency ordinances.

1. All proposed ordinances when first proposed must be".

Amend sec. 7, page 4, by deleting line 11 and inserting:

"Sec. 2.110 Powers of city council: Public property, buildings.

[1.] The city council may:".

Amend sec. 8, page 4, by deleting line 25 and inserting:

"Sec. 2.170 Powers of city council: Public health; board of health; regulations. The city council may:".

Amend sec. 9, page 4, by deleting line 35 and inserting:

"Sec. 2.190 Powers of city council: Zoning and planning.

[1.] The city council may [:".

Amend the bill as a whole by deleting sec. 10 and renumbering sections 11 through 30 as sections 12 through 31.

Amend sec. 11, page 5, by deleting line 16 and inserting:

"Sec. 2.250 Powers of city council: Animals and poultry. The city council may [:".

Amend sec. 12, page 5, by deleting line 28 and inserting:

"Sec. 2.320 Sale, lease, exchange of city-owned land: Procedure; disposition of proceeds.

1. Subject to the provisions of this section, the city may".

Amend sec. 12, page 5, by deleting line 47 and inserting: "tion [date,] *of the notice,* and must be accompanied by a deposit of not less than 1".

Amend sec. 12, page 6, by deleting lines 5 through 11 and inserting:

"4. [No] *The city council shall not make a* lease for a term of 3 years or longer [, or] *nor enter into a contract for the* sale or exchange of real property [, may be made] until after the property has been appraised by one disinterested appraiser employed by the city council. [All leases for a term longer than 3 years, or] *Except as otherwise provided in subsection 7, it must be the policy of the city council to require that all such leases,* sales or exchanges, [may only] be made at or above the current appraised value as determined by the appraiser [.] *unless the city council, in a public hearing held before the adoption of the resolution to lease, sell or exchange the*

property, determines by affirmative vote of not fewer than two-thirds of the entire city council based upon specified findings of fact that a lesser value would be in the best interest of the public.".

Amend sec. 12, page 6, line 12, by deleting: "*goal of the city.*".

Amend sec. 12, page 6, by deleting line 24 and inserting:

"7. Notwithstanding the provisions of subsection 4, the city".

Amend sec. 13, page 7, by deleting line 18 and inserting:

"Sec. 2.330 Powers of city council: Dog racing; licensing . [and regulation.]

1. The city council may license greyhound racing".

Amend sec. 13, page 7, line 20, by deleting "under" and inserting: "[under] *pursuant to*".

Amend sec. 13, page 7, line 23, by deleting: "such license [shall]" and inserting: "[such license shall] *a license*".

Amend sec. 13, page 7, line 24, by deleting "such" and inserting "[such] *the*".

Amend sec. 13, page 7, line 26, by deleting "Such" and inserting "[Such] *Greyhound*".

Amend sec. 14, page 7, by deleting line 32 and inserting:

"Sec. 3.020 City manager: Duties.

1. The city manager shall perform such administrative".

Amend sec. 15, page 7, by deleting line 44 and inserting:

"Sec. 3.040 City clerk: Duties. The city clerk shall:".

Amend sec. 16, page 8, by deleting line 14 and inserting:

"Sec. 3.060 City attorney: Qualifications; duties.

1. The city attorney [shall] *must* be a duly licensed".

Amend sec. 17, page 8, by deleting line 23 and inserting:

"Sec. 3.110 City officers: Residence. [Except as provided in section 3.060, all] *All* city officers".

Amend sec. 18, page 8, by deleting line 30 and inserting:

"Sec. 3.130 City officers: Collection and disposition of [moneys.] *money.*

1. All fines, forfeitures or other [moneys] *money* except taxes".

Amend sec. 18, page 8, line 37, by deleting "moneys," and inserting "[moneys,] *money,*".

Amend sec. 18, page 8, line 41, by deleting "moneys." and inserting "[moneys.] *money.*".

Amend sec. 19, page 8, by deleting line 45 and inserting:

"Sec. 4.015 Municipal court.

1. There is a municipal court of the city which consists".

Amend sec. 20, page 9, by deleting line 24 and inserting:

"Sec. 4.030 Disposition of fines. All fines and forfeitures for the violation of ordinances".

Amend sec. 21, page 9, by deleting line 30 and inserting:

"Sec. 5.010 Primary election.

1. A primary election [shall] *must* be held on the Tues-".

Amend sec. 22, page 10, by deleting line 10 and inserting:

"Sec. 5.030 Applicability of state election laws; elections under city council control.

1. All elections held under this charter [shall be] *are*".

Amend sec. 23, page 10, by deleting line 25 and inserting:

"Sec. 5.050 Names on ballots. The full names of all candidates, except those who have".

Amend sec. 24, page 10, by deleting line 37 and inserting:

"Sec. 5.070 Availability of lists of registered voters. [If, for any purpose relating to a municipal election or to".

Amend sec. 25, page 11, by deleting line 1 and inserting:

"Sec. 5.100 Election returns; canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any special, primary or".

Amend sec. 26, page 11, by deleting line 25 and inserting:

"Sec. 7A.090 Exemption from securities laws.

1. The provisions of the State Securities Law, the".

Amend sec. 27, page 11, by deleting line 46 and inserting:

"Sec. 8.030 Taxes paid to county treasurer; transfers of money to city treasury.

1. All taxes collected under or by virtue of this charter".

Amend sec. 28, page 12, by deleting line 39 and inserting:

"Sec. 8.040 Surplus taxes; bond redemption. Except as otherwise provided in this charter the remain-".

Amend sec. 29, page 13, by deleting line 6 and inserting:

"Sec. 9.010 Civil service.

1. There is hereby created a system of civil service,".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 476.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 620.

Amend sec. 3, page 1, by deleting lines 23 and 24 and inserting: "*any other aspects of the property which affect its use or value, and allows the seller of the property to indicate whether or not each of*".

Amend sec. 3, page 2, line 7, by deleting: "*seller and his*" and inserting "*seller's*".

Amend sec. 4, page 2, line 12, by deleting "*Before*" and inserting: "*At least 10 days before*".

Amend sec. 4, page 2, line 22, by deleting: "*either orally or*".

Amend sec. 6, page 3, line 9, by deleting "*otherwise,*" and inserting: "*another written notice,*".

Amend sec. 6, page 3, by deleting line 23 and inserting: "*requirements of section 4 of this act or otherwise providing the purchaser or his agent with written notice of all defects in the property of which the seller is aware, and there is a defect in the property of*".

Amend sec. 9, page 4, by deleting line 10 and inserting: "January 1, 1996, for all other purposes.".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 489.

Bill read second time.

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

Amendment No. 746.

Amend section 1, page 2, by deleting lines 5 through 8 and inserting: "his application . [or]

(e) Where the applicant agrees in writing or orally on the record during a hearing to the requirements, limitations or conditions imposed by the action, decision or order [.

(e)] , *unless the applicant expressly states in writing or orally on the record during the hearing that a requirement, limitation or condition is agreed to under protest and specifies which paragraph of subsection 1 provides cause for the protest.*

(f) For unintentional procedural or ministerial errors of the agency.".

Amend section 1, page 2, line 9, by deleting "(f)" and inserting "[(f)] *(g)*".

Amend section 1, page 2, line 10, by deleting "(g)" and inserting "[(g)] *(h)*".

Amend sec. 3, page 2, by deleting lines 23 through 25 and inserting:

"Sec. 3. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.".

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblyman Neighbors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 524.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 637.

Amend sec. 3, page 1, line 15, after "*home;*" by inserting "*or*".

Amend sec. 3, page 1, line 17, by deleting "*thereto;*" and inserting "*thereto.*".

Amend sec. 3, page 1, by deleting lines 18 and 19.

Amend sec. 5, page 2, line 13, by deleting "*immediately*".

Amend sec. 6, page 2, by deleting lines 30 and 31 and inserting: "*information must include the medical history and previous behavior of the child to the extent that such information is available.*".

Amend sec. 6, page 2, line 36, by deleting "*law.*" and inserting: "*law or the division determines that providing the information is not in the best interests of the child.*".

Amend sec. 7, page 2, line 41, by deleting "*issuance,*" and inserting "*reissuance,*".

Amend sec. 7, page 2, line 45, by deleting "*issuance,*" and inserting "*reissuance,*".

Amend sec. 9, page 3, by deleting lines 7 through 11 and inserting:

"Sec. 9. (Deleted by amendment.)".

Amend sec. 10, page 3, by deleting line 13 and inserting: "*family foster care access to all information, except references, in the records maintained by the*".

Amend sec. 11, page 3, by deleting lines 22 and 23 and inserting: "*contact the division 24 hours a day, 7 days a week.*".

Amend sec. 15, pages 4 and 5, by deleting lines 41 through 48 on page 4 and lines 1 and 2 on page 5 and inserting:

"Sec. 15. (Deleted by amendment.)".

Amend the title of the bill by deleting the fourth through sixth lines and inserting: "hearing grievances related to the reissuance, suspension or revocation of a license to conduct a family foster home;".

Assemblyman Monaghan moved the adoption of the amendment.

Remarks by Assemblyman Monaghan.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 539.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 660.

Amend section 1, page 1, by deleting lines 3 through 23 and inserting:

"*1. Any gaming licensee who has entered into a contract or an agreement with a manufacturer for the manufacture of a part to be made specifically for a gaming device owned or operated by the gaming licensee and who willfully fails to pay, or avoids payment to, the manufacturer within the time specified in the contract or agreement between the parties is subject to disciplinary action by the board or commission unless:*

(a) The gaming licensee has declared bankruptcy, become insolvent or established that he does not have the financial resources to pay for the part;

(b) A dispute exists as to the quality or workmanship of the part; or

(c) A dispute exists as to a portion of the contract or agreement that is unrelated to the provisions governing the time of payment.".

Amend section 1, page 2, line 1, by deleting "*3.*" and inserting "*2.*".

Amend the title of the bill to read as follows:

"An Act relating to gaming; authorizing the state gaming control board and the Nevada gaming commission to discipline under certain circumstances a gaming licensee who willfully fails to pay for certain parts specifically made for his gaming devices; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes state gaming control board and Nevada gaming commission to discipline gaming licensee who willfully fails to pay for parts specifically made for gaming devices. (BDR 41-1296)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 69.

Bill read second time and ordered to third reading.

Senate Bill No. 131.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 663.

Amend section 1, page 1, line 3, by deleting "*$35*" and inserting "*$25*".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 192.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 726.

Amend sec. 11, page 6, by deleting lines 9 and 10 and inserting:

"213.107 As used in NRS 213.107 to 213.160, inclusive, [and] section 5 of [this act,] *Senate Bill No. 61 of this session and sections 7 to 10, inclusive, of this act,* unless the context otherwise requires:".

Amend sec. 12, page 6, by deleting line 36 and inserting: "parole under NRS 213.107 to 213.160, inclusive, and section 5 of [this act.] *Senate Bill No. 61 of this session.*".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 288.

Bill read second time and ordered to third reading.

Senate Bill No. 297.

Bill read second time and ordered to third reading.

Senate Bill No. 323.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 3.
Resolution read second time and ordered to third reading.

Senate Joint Resolution No. 23 of the 67th Session.
Resolution read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 223, 226, 255; Senate Bill No. 207, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 413, 625, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 437, 504, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen de Braga, Bennett, Segerblom, Fettic, Carpenter, Neighbors, Hettrick and Marvel:

Assembly Bill No. 684—An Act relating to governmental action; requiring state agencies and political subdivisions of the state to take certain precautions to avoid the taking of private property; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 381, 446, 495, 518 be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 24.
Bill read third time.
Remarks by Assemblyman Allard.

Roll call on Assembly Bill No. 24:

YEAS—42.

NAYS—None.

Assembly Bill No. 24 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 72.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Assembly Bill No. 72:

YEAS—42.

NAYS—None.

Assembly Bill No. 72 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 227.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Assembly Bill No. 227:

YEAS—41.

NAYS—None.

Not voting—Spitler.

Assembly Bill No. 227 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 307.

Bill read third time.

Remarks by Assemblyman Fettic.

Roll call on Assembly Bill No. 307:

YEAS—40.

NAYS—Giunchigliani, Goldwater—2.

Assembly Bill No. 307 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 319.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 319:

YEAS—42.

NAYS—None.

Assembly Bill No. 319 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 449.

Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Assembly Bill No. 449:
YEAS—42.
NAYS—None.

Assembly Bill No. 449 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 567.
Bill read third time.
Remarks by Assemblymen Stroth and Steel.
Roll call on Assembly Bill No. 567:
YEAS—42.
NAYS—None.

Assembly Bill No. 567 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 141.
Bill read third time.
Remarks by Assemblymen Sandoval and Allard.
Roll call on Senate Bill No. 141:
YEAS—42.
NAYS—None.

Senate Bill No. 141 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 359.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Senate Bill No. 359:
YEAS—42.
NAYS—None.

Senate Bill No. 359 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 410.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Senate Bill No. 410:
YEAS—42.
NAYS—None.

Senate Bill No. 410 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 381.
Bill read third time.
Remarks by Assemblyman Braunlin.
Roll call on Assembly Bill No. 381:
YEAS—41.
NAYS—None.
Not voting—Lambert.

Assembly Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 446.
Bill read third time.
Remarks by Assemblyman Braunlin.
Roll call on Assembly Bill No. 446:
YEAS—41.
NAYS—Bennett.

Assembly Bill No. 446 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 495.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 495:
YEAS—42.
NAYS—None.

Assembly Bill No. 495 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 518.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Assembly Bill No. 518:
YEAS—42.
NAYS—None.

Assembly Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 252, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA TIFFANY, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 196, 223, 226, 255, 375, 413, 425, 437, 482, 491, 504, 624, 625, 643, 645; Senate Bills Nos. 85, 207, 252, 273, 303, 416 be placed on the Second Reading File.

Motion carried.

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

Assembly in recess at 12:07 p.m.

ASSEMBLY IN SESSION

At 12:22 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 196.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 753.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 385.175 is hereby amended to read as follows:

385.175 The superintendent of public instruction shall:

1. Execute, direct or supervise all administrative, technical and procedural activities of the department in accordance with policies prescribed by the state board.

2. Employ personnel for the positions approved by the state board and necessary for the efficient operation of the department.

3. Organize the department in a manner which will assure efficient operation and service.

4. Maintain liaison and coordinate activities with other state agencies performing educational functions.

5. *Inspect or designate another person to inspect the record books and accounts of boards of trustees, and enforce the uniform method of keeping the financial records and accounts of school districts.*

6. Inspect or designate another person to inspect the school fund accounts of the county auditors of the several counties, and report the condition of the funds of any school district to the board of trustees thereof.

7. Inspect or designate another person to inspect the separate accounts established by boards of trustees pursuant to NRS 354.603, and report the condition of the accounts to the respective boards of county commissioners and county treasurers.

8. Perform such other duties as are prescribed by law.

Sec. 2. NRS 385.310 is hereby amended to read as follows:

385.310 The deputy superintendent for administrative and fiscal services, under the direction of the superintendent of public instruction, shall:

1. Determine the apportionment of all state school money to schools of the state as prescribed by law.

2. Develop for public schools of the state a uniform system of budgeting and accounting, which system, when approved by the state board is mandatory for all public schools in the state, and must be enforced as provided for in subsection [2 of NRS 385.315.] *6 of NRS 385.175.*

3. Carry on a continuing study of school finance in the state, particularly the method by which schools are financed on the state level, and make such recommendations to the superintendent of public instruction for submission to the state board as he deems advisable.

4. Recommend to the superintendent of public instruction for submission to the state board such changes in budgetary and financial procedures as his studies may show to be advisable.

5. Perform such other statistical and financial duties pertaining to the administration and finances of the schools of the state as may be required by the superintendent of public instruction.

6. Prepare for the superintendent the biennial budgets of the department for consideration by the state board and submission to the governor.

Sec. 3. NRS 385.315 is hereby amended to read as follows:

385.315 In addition to his other duties, the deputy superintendent for administrative and fiscal services, under the direction of the superintendent of public instruction, shall [:

1. Investigate] *investigate* any claim against any school fund or separate account established under NRS 354.603 whenever a written protest against the drawing of a warrant, check or order in payment of the claim is filed with the county auditor. If, upon investigation, the deputy superintendent finds that any such claim is unearned, illegal or unreasonably excessive, he shall notify the county auditor and the clerk of the board of trustees who drew the order for the claim, stating the reasons in writing why the order is unearned, illegal or excessive. If so notified, the county auditor shall not draw his warrant in payment of the claim nor shall the board of trustees draw a check or order in payment of the claim from a separate account established under NRS 354.603. If the deputy superintendent finds that any protested claim is legal and actually due the claimant, he shall authorize the county auditor or the board of trustees to draw his warrant or its check or order on an account established under NRS 354.603 for the claim, and the county auditor or the board of trustees shall immediately draw his warrant or its check or order in payment of the claim.

[2. Inspect the record books and accounts of boards of trustees, and enforce the uniform method of keeping the financial records and accounts of school districts.

3. Inspect the school fund accounts of the county auditors of the several counties, and report the condition of the funds of any school district to the board of trustees thereof.

4. Inspect the separate accounts established by boards of trustees under NRS 354.603, and report the condition of the accounts to the respective boards of county commissioners and county treasurers.]".

Amend the title of the bill to read as follows:

"An Act relating to education; transferring certain duties of the deputy superintendent for administrative and fiscal services to the superintendent of public instruction; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Transfers certain duties of deputy superintendent for administrative and fiscal services to superintendent of public instruction. (BDR 34-540)".

Assemblyman Harrington moved the adoption of the amendment.

Remarks by Assemblyman Harrington.

Amendment adopted.

Assemblyman Harrington moved that Assembly Bill No. 196 be re-referred to the Committee on Education.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Education.

Assembly Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 762.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. There is hereby appropriated from the state general fund to the desert research institute of the University and Community College System of Nevada the sum of $200,000 for expenses related to the operation and maintenance of the facilities of the desert research institute.".

Amend sec. 2, page 1, line 4, by deleting: "appropriation made by section 1" and inserting: "appropriations made by sections 1 and 2".

Amend the title of the bill to read as follows:

"An Act relating to the University and Community College System of Nevada; making an appropriation to the system for the acquisition of administrative and academic equipment; making an appropriation to the desert research institute for certain expenses related to the operation of facilities of the institute; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes certain appropriations to University and Community College System of Nevada. (BDR S-1497)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 226.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 674.

Amend section 1, page 1, line 3, by deleting the period and inserting: "and for expenses related to the Nevada Domestic Violence Prevention Council.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 255.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 673.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 5 and 6 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 62 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The division of child and family services of the department of human resources shall establish a central repository for the reporting, collection, analysis, maintenance and retrieval of information concerning juvenile justice in this state. Except as otherwise provided in subsection 3, the repository must include, without limitation, the following information regarding each child referred to the system of juvenile justice in this state:

(a) A unique number assigned to the child for identification;

(b) Basic demographic information regarding the child, including, without limitation:

(1) The age, sex and race or other ethnic background of the child; and

(2) The composition of the household in which the child resides;

(c) The charges for which the child is referred;

(d) The dates of any detention of the child;

(e) The nature of the disposition of each referral of the child;

(f) The dates any petitions are filed regarding the child, and the charges set forth in those petitions; and

(g) The disposition of any petitions filed regarding the child, including any applicable findings.

2. In addition to the information required pursuant to subsection 1 and except as otherwise provided in subsection 3, the repository must include, without limitation, the following information regarding each child committed to or otherwise placed in the custody of the division of child and family services:

(a) A record of each placement of the child, including, without limitation, the period of each placement and the services provided to the child during each placement;

(b) The dates of each release of the child, including any release of the child on parole;

(c) If the child is released on parole, the period of each release and the services provided to the child during each release; and

(d) The nature of or reason for each discharge of the child from the custody of the division of child and family services.

3. The information maintained in the repository must not include the name or address of any person.

4. The division of child and family services shall adopt such regulations as it deems necessary to carry out the provisions of this section, including specific requirements for the format and timing of reports of relevant information from juvenile courts and juvenile probation officers.

5. Each juvenile court and juvenile probation officer shall comply with the regulations adopted pursuant to subsection 4 and provide the division of child and family services with such information and other assistance as is necessary for the division to carry out the provisions of this section.

Sec. 2. NRS 62.360 is hereby amended to read as follows:

62.360 1. The court shall make and keep records of all cases brought before it.

2. The records may be opened to inspection only by order of the court to persons having a legitimate interest therein except that a release without a court order may be made of any:

(a) Records of traffic violations which are being forwarded to the department of motor vehicles and public safety; [and]

(b) Records which have not been sealed and are required by the division of parole and probation of the department of motor vehicles and public safety for preparation of presentence reports pursuant to NRS 176.135 [.] *; and*

(c) Information maintained in the repository established pursuant to section 1 of this act.

3. The clerk of the court shall prepare and cause to be printed forms for social and legal records and other papers as may be required.

4. Whenever the conduct of a juvenile with respect to whom the jurisdiction of the juvenile court has been invoked may be the basis of a civil action, any party to the civil action may petition the court for release of the child's name, and upon satisfactory showing to the court that the purpose in obtaining the information is for use in a civil action brought or to be brought in good faith, the court shall order the release of the child's name and authorize its use in the civil action.

Sec. 3. NRS 62.370 is hereby amended to read as follows:

62.370 1. In any case in which a child is taken into custody by a peace officer, is taken before a probation officer, or appears before a judge or master of a juvenile court, district court, justice's court or municipal court, the child or a probation officer on his behalf may petition for the sealing of all records relating to the child, including records of arrest, but not including

records relating to misdemeanor traffic violations, in the custody of the juvenile court, district court, justice's court or municipal court, probation officer, law enforcement agency, or any other agency or public official, if:

(a) Three years or more have elapsed after termination of the jurisdiction of the juvenile court; or

(b) Three years or more have elapsed since the child was last referred to the juvenile court and the child has never been declared a ward of the court.

2. The court shall notify the district attorney of the county and the probation officer, if he is not the petitioner. The district attorney, probation officer, any of their deputies or any other persons having relevant evidence may testify at the hearing on the petition.

3. If, after the hearing, the court finds that, since such termination of jurisdiction, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude and that rehabilitation has been attained to the satisfaction of the court, it shall order all records, papers and exhibits in the juvenile's case in the custody of the juvenile court, district court, justice's court, municipal court, probation officer, law enforcement agency or any other agency or public official sealed. Other records relating to the case, in the custody of such other agencies and officials as are named in the order, must also be ordered sealed. All juvenile records must be automatically sealed when the person reaches 24 years of age.

4. The court shall send a copy of the order to each agency and official named therein. Each agency and official shall, within 5 days after receipt of the order:

(a) Seal records in its custody, as directed by the order.

(b) Advise the court of its compliance.

(c) Seal the copy of the court's order that it or he received.

As used in this section, "seal" means placing the records in a separate file or other repository not accessible to the general public.

5. If the court orders the records sealed, all proceedings recounted in the records are deemed never to have occurred and the minor may properly reply accordingly to any inquiry concerning the proceedings and the events which brought about the proceedings.

6. The person who is the subject of records sealed pursuant to this section may petition the court to permit inspection of the records by a person named in the petition and the court may order the inspection.

7. The court may, upon the application of a district attorney or an attorney representing a defendant in a criminal action, order an inspection of the records for the purpose of obtaining information relating to persons who were involved in the incident recorded.

8. The court may, upon its own motion and for the purpose of sentencing a convicted adult who is under 21 years of age, inspect any records of that person which are sealed pursuant to this section.

9. An agency charged with the medical or psychiatric care of a person may petition the court to unseal his juvenile records.

10. The provisions of this section do not apply to any information maintained in the repository established pursuant to section 1 of this act.

Sec. 4. The administrator of the division of child and family services of the department of human resources shall ensure that the provisions of section 1 of this act are carried out before July 1, 1997.".

Amend sec. 2, page 1, by deleting line 5 and inserting: "Sec. 6. Any remaining balance of the appropriation made by section 5 of".

Amend the bill as a whole by renumbering sec. 3 as sec. 8 and adding a new section designated sec. 7, following sec. 2, to read as follows:

"Sec. 7. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.".

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

"An Act relating to the division of child and family services of the department of human resources; requiring the establishment of a central repository for information concerning juvenile justice; making an appropriation to the division for the state automated child welfare information system; and".

Amend the summary of the bill to read as follows:

"Summary—Requires establishment of central repository for information concerning juvenile justice and makes appropriation to division of child and family services of department of human resources for state automated child welfare information system. (BDR 5-1524)".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 375.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 665.

Amend section 1, page 1, by deleting line 4 and inserting: "Monday of August.] *or before the last day of July.*".

Amend section 1, page 1, by deleting line 10 and inserting: "due on [the third Monday of August,] *or before the last day of July,* the second".

Amend section 1, page 1, line 12, by deleting "*September,*" and inserting "*October,*".

Amend section 1, page 1, line 13, by deleting "*December,*" and inserting "*January,*".

Amend section 1, page 1, line 14, by deleting "*February.*" and inserting "*April.*".

Amend section 1, page 2, lines 2 and 3, by deleting "*February,*" and inserting "*April,*".

Amend sec. 2, page 2, line 15, by deleting "*March 1*" and inserting: "*the last day of May*".

Amend sec. 2, page 2, by deleting line 35 and inserting: "interest the tax receiver will, on the [1st Monday in May] *last day of June* of the current".

Amend the bill as a whole by deleting sections 3 through 8, renumbering sec. 9 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. NRS 361.570 is hereby amended to read as follows:

361.570 1. Pursuant to the notice given as provided in NRS 361.565 and at the time so noticed, the tax receiver shall make out his certificate authorizing the county treasurer as trustee for the state and county to hold the property described in the notice for the period of 2 years after the [1st Monday in May] *last day of June* of the year the certificate is dated, unless sooner redeemed.

2. The certificate should specify:

(a) The amount of delinquency, including the amount and year of assessment;

(b) The taxes and the penalties and costs added thereto, and that interest on the taxes will be added at the rate of 10 percent per annum from the date due until paid; and

(c) The name of the owner or taxpayer, if known.

3. The certificate must state, and it is hereby provided:

(a) That the property may be redeemed within 2 years from its date; and

(b) That if not redeemed, the title to the property vests in the county for the benefit of the state and county.

4. Until the expiration of the period of redemption, the property held pursuant to the certificate must be assessed annually to the county treasurer as trustee, and before the owner or his successor redeems the property he shall also pay the county treasurer holding the certificate any additional taxes assessed and accrued against the property after the date of the certificate, together with the interest on the taxes at the rate of 10 percent per annum from the date due until paid.

5. [It shall be the county treasurer's duty to] *The county treasurer shall* take certificates issued to him under the provisions of this section.

Sec. 4. NRS 361.580 is hereby amended to read as follows:

361.580 1. On the [3rd] *third* Monday in [May] *July* of each year following the redemption period as set forth in NRS 361.570, the ex officio tax receiver shall attend at the office of the county auditor with the assessment roll and shall render an account under oath to the county auditor as to the amount of the taxes paid on the roll, the amount of taxes stricken by the board of county commissioners and the amount of taxes delinquent on the roll.

2. The county auditor shall audit the account and make a final settlement with the ex officio tax receiver of all taxes charged against him on account of the assessment roll.".

Amend the title of the bill to read as follows:

"An Act relating to property tax; revising the dates upon which payments of property taxes are due; revising the time within which notice of delinquency must be given; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises dates upon which certain property taxes are due and time within which notice of delinquency must be given. (BDR 32-356)".

Assemblyman Stroth moved the adoption of the amendment.

Remarks by Assemblyman Stroth.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 413.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 583.

Amend section 1, page 1, line 2, by deleting "13," and inserting "15,".

Amend sec. 4, page 1, line 21, by deleting: "5 and 6" and inserting: "6 and 7".

Amend the bill as a whole by renumbering sections 5 through 10 as sections 6 through 11 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. 1. If the governing body of a municipality proposes to construct, maintain and operate a toll road or toll bridge, it shall, at the next primary or general municipal election or primary or general state election, submit to the registered voters of the municipality the question of whether the toll road or toll bridge shall be constructed, maintained and operated. If a majority of the voters approve the question, the governing body shall construct, maintain and operate the toll road or toll bridge pursuant to the provisions of sections 4 to 9, inclusive, of this act.

2. The sample ballot for the question required to be mailed pursuant to NRS 293.565 must include for the question described in subsection 1:

(a) The proposed location of the toll road or toll bridge;

(b) The proposed amount of the toll to be charged for the use of the toll road or toll bridge; and

(c) A statement of the maximum cost to construct, maintain and operate the toll road or toll bridge and the proposed method or methods of financing that construction, maintenance and operation.".

Amend sec. 6, page 2, line 11, by deleting "5" and inserting "6".

Amend sec. 9, page 3, line 4, by deleting: "9 to 13," and inserting: "10 to 15,".

Amend the bill as a whole by renumbering sections 11 through 13 as sections 13 through 15 and adding a new section designated sec. 12, following sec. 10, to read as follows:

"Sec. 12. 1. If the board proposes to establish a toll road or toll bridge, it shall, at the next primary or general state election, submit to the registered voters of each county in which the proposed toll road or toll bridge is to be established the question of whether the toll road or toll bridge shall be established. If a majority of the voters approve the question, the director shall establish the toll road or toll bridge pursuant to the provisions of sections 10 to 15, inclusive, of this act.

2. The sample ballot for the question required to be mailed pursuant to NRS 293.565 must include for the question described in subsection 1:

(a) The proposed location of the toll road or toll bridge;

(b) The proposed amount of the toll to be charged for the use of the toll road or toll bridge; and

(c) A statement of the maximum cost to establish the toll road or toll bridge and the proposed method or methods of financing the establishment of the toll road or toll bridge.".

Amend sec. 12, page 3, line 33, by deleting: "9 to 13," and inserting: "10 to 15,".

Amend the title of the bill, second line, after "bridges;" by inserting: "requiring the voters of the local government or county in which the proposed toll road or toll bridge is to be established to approve the proposed toll road or toll bridge;"

Amend the summary of the bill, second line, by deleting "bridges." and inserting: "bridges upon approval of voters.".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 425.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 581.

Amend section 1, page 1, by deleting lines 3 through 8 and inserting:

"*1. The department shall, upon receiving notification from a district attorney or other public agency collecting support for children that a court has determined a person is in arrears in the payment for the support of a child pursuant to section 4 of this act, send a written notice to that person that his license is subject to suspension. The notice must include:*".

Amend section 1, page 1, line 10, after "*subsections*" by inserting "2,".

Amend section 1, page 1, between lines 11 and 12, by inserting:

"2. *If a person who receives a notice pursuant to subsection 1 does not satisfy the arrearage as required in section 4 of this act within 30 days after he receives the notice, the department shall suspend his license.*".

Amend section 1, page 1, line 14, by deleting "*welfare division*" and inserting: "*district attorney or other public agency*".

Amend section 1, page 1, by deleting lines 15 and 16 and inserting: "*the person has satisfied the arrearages pursuant to that section; and*".

Amend sec. 4, page 3, line 24, after "*arrearage*" by inserting: "*pursuant to subsection 6*".

Amend sec. 4, page 3, line 25, by deleting "*21*" and inserting "*20*".

Amend sec. 4, page 3, lines 27 and 28 by deleting: "*that fact to the division. The division shall report*".

Amend sec. 4, page 3, by deleting lines 31 through 37 and inserting: "*tion 2, a hearing must be held pursuant to NRS 425.3832. The master shall notify*

the person of his recommendation at the conclusion of the hearing or as soon thereafter as is practicable. If the master determines that the person is in arrears in the payment for the support of a child, he shall include in the notice the information set forth in subsection 4.".

Amend sec. 4, page 3, line 38, by deleting "*division*" and inserting "*master*".

Amend sec. 4, pages 3 and 4, by deleting lines 40 through 48 on page 3 and lines 1 through 5 on page 4, and inserting: "*the district court issues an order approving the recommendation of the master, the district attorney or other public agency shall report the name of that person to the department.*

5. The district attorney or other public agency shall, within 5 days after the person who is in arrears in the payment for the support of a child satisfies the arrearage pursuant to subsection 6, notify the department that the person is no longer in arrears in the payment for the support of a child.

6. For the purposes of this section:

(a) A person is in arrears in the payment for the support of a child if:

(1) He owes more than $1,000 in payments for the support of a child which are past due and is delinquent for not less than 2 months in payments for the support of a child or any payments ordered by a court for arrearages in such payments; or

(2) He has failed to provide medical insurance for a child as required by a court order.

(b) A person who is in arrears in the payment for the support of a child may satisfy the arrearage by:

(1) Paying all of the past due payments;

(2) If unable to pay all past due payments, paying the amount of the overdue payments for the preceding 12 months which a court has determined are in arrears; or

(3) If the arrearage is for a failure to provide and maintain medical insurance, providing proof that the child is covered under a policy, contract or plan of medical insurance.

(c) A person shall be deemed to have received a notice 3 days after it is mailed, by first-class mail, postage prepaid, to that person at his last known address.".

Amend the title of the bill, second line, after "who" by inserting: "a court has determined".

Amend the summary of the bill, first line, after "who" by inserting: "court has determined".

Assemblyman Batten moved the adoption of the amendment.

Remarks by Assemblyman Batten.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 437.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 608.

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

"Sec. 7. NRS 372.750 is hereby amended to read as follows:

372.750 1. Except as otherwise provided in this section, it is a misdemeanor for any member of the [Nevada] tax commission or officer or employee of the department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular of them, set forth or disclosed in any return, or to permit any return or copy of a return, or any book containing any abstract or particulars of it to be seen or examined by any person not connected with the department.

2. The *tax* commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The governor may, by general or special order, authorize examination of the records maintained by the department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. *Upon written request made by a public officer of a local government, the executive director shall furnish from the records of the department, the name and address of the owner of any seller or retailer who must file a return with the department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. The information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The executive director may charge a reasonable fee for the cost of providing the requested information.*

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

[5.] *6.* Relevant information may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

[6.] *7.* At any time after a determination, decision or order of the executive director or other officer of the department imposing upon a person a penalty pursuant to NRS 372.420 or 372.450 for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the tax

commission, any member of the tax commission or officer or employee of the department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against him.

Sec. 8. NRS 374.755 is hereby amended to read as follows:

374.755 1. Except as otherwise provided in this section, it is a misdemeanor for any member of the Nevada tax commission or official or employee of the department to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof, or any book containing any abstract or particulars thereof to be seen or examined by any person not connected with the department.

2. The *Nevada tax* commission may agree with any county fair and recreation board or the governing body of any county, city or town for the continuing exchange of information concerning taxpayers.

3. The governor may, however, by general or special order, authorize examination of the records maintained by the department under this chapter by other state officers, by tax officers of another state, by the Federal Government, if a reciprocal arrangement exists, or by any other person. The information so obtained pursuant to the order of the governor may not be made public except to the extent and in the manner that the order may authorize that it be made public.

4. *Upon written request made by a public officer of a local government, the executive director shall furnish from the records of the department, the name and address of the owner of any seller or retailer who must file a return with the department. The request must set forth the social security number of the owner of the seller or retailer about which the request is made and contain a statement signed by the proper authority of the local government certifying that the request is made to allow the proper authority to enforce a law to recover a debt or obligation owed to the local government. The information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The executive director may charge a reasonable fee for the cost of providing the requested information.*

5. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

[5.] *6.* Relevant information may be disclosed as evidence in an appeal by the taxpayer from a determination of tax due.

[6.] *7.* At any time after a determination, decision or order of the executive director or other officer of the department imposing upon a person a penalty pursuant to NRS 374.425 or 374.455 for fraud or intent to evade the tax imposed by this chapter on the sale, storage, use or other consumption of any vehicle, vessel or aircraft becomes final or is affirmed by the tax

commission, any member of the tax commission or officer or employee of the department may publicly disclose the identity of that person and the amount of tax assessed and penalties imposed against him.".

Amend sec. 7, page 4, line 37, by deleting "*Upon request,*" and inserting: "*Upon written request made by a public officer of a local government,*".

Amend sec. 7, page 4, line 41, by deleting "*of a*" and inserting "*of the*".

Amend sec. 7, page 4, line 42, by deleting: "*further a recovery of*" and inserting: "*allow the proper authority to enforce a law to recover*".

Amend sec. 7, page 4, line 43, after "*government.*" by inserting: "*The information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The administrator may charge a reasonable fee for the cost of providing the requested information.*".

Amend sec. 8, page 6, line 46, by deleting "*Upon request,*" and inserting: "*Upon written request made by a public officer of a local government,*".

Amend sec. 8, page 7, line 2, by deleting "*a*" and inserting "*the*".

Amend sec. 8, page 7, line 3, by deleting: "*further a recovery of*" and inserting: "*allow the proper authority to enforce a law to recover*".

Amend sec. 8, page 7, line 4, after "*government.*" by inserting: "*The information obtained by the local government is confidential and may not be used or disclosed for any purpose other than the collection of a debt or obligation owed to that local government. The manager may charge a reasonable fee for the cost of providing the requested information.*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 482.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 636.

Amend the bill as a whole by deleting sections 1 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Section 5 of chapter 535, Statutes of Nevada 1991, at page 1699, is hereby amended to read as follows:

Sec. 5. 1. Each school district shall:

(a) Develop a plan for the school district to achieve and maintain a ratio of one school nurse for every 1,000 pupils enrolled in the school district and submit that plan to the state board of education.

(b) By January 1, 1993, [and] January 1, 1995, *and January 1, 1997,* report to the state board of education the progress made in achieving a ratio of one school nurse for every 1,000 pupils enrolled in the school district.

2. The state board of education shall report to the 67th , [and] 68th *and 69th* sessions of the Nevada legislature:

(a) The progress made by the school districts in achieving a ratio of one school nurse for every 1,000 pupils enrolled in a school district.

(b) The need for and the estimated cost of maintaining a ratio of one school nurse for every 1,000 pupils enrolled in a school district.".

Amend the title of the bill to read as follows:

"An Act relating to school nurses; extending the requirement that each school district develop a plan to reduce the ratio of pupils to school nurses; requiring the state board of education to report to the Nevada legislature on the progress of schools to develop a plan; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Extends requirement that school districts develop plan to reduce ratio of pupils to school nurses. (BDR S-1691)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 491.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 638.

Amend sec. 6, page 2, line 29, by deleting: "5 and 6," and inserting: "[5 and 6,] *4 and 5,*".

Amend sec. 6, page 3, line 1, after "paragraph" by inserting "*(b),*".

Amend sec. 6, page 3, line 7, by inserting an open bracket before "The".

Amend sec. 6, page 3, line 14, by inserting a closed bracket after "4.".

Amend sec. 6, page 3, line 17, by deleting "5." and inserting "[5.] *4.*".

Amend sec. 6, page 3, line 21, by deleting "6." and inserting "[6.] *5.*".

Amend sec. 6, page 3, by deleting line 23 and inserting: "subsection 2 . [or paragraph (b) of subsection 3.]".

Amend sec. 6, page 3, by deleting lines 27 through 29.

Amend sec. 6, page 3, line 30, by deleting "7. [The" and inserting "[7. The".

Amend sec. 6, page 3, line 35, after "8.]" by inserting "*6.*".

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

"Sec. 7. The board for child care and administrative officers of the division of child and family services of the department of human resources shall use their best efforts to ensure that the regulations required by section 3 of this act are adopted and become effective no later than January 1, 1996.".

Amend the title of the bill to read as follows:

"An Act relating to public safety; providing for the imposition of additional administrative sanctions against child care facilities for certain viola-

tions of laws and regulations; revising the restrictions upon the smoking of tobacco in child care facilities and public buildings; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the second and third lines and inserting: "facilities for certain violations and revises restrictions upon smoking of tobacco in child care facilities and public buildings. (BDR 38-160)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 504.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 619.

Amend the bill as a whole by renumbering sections 1 through 9 as sections 3 through 11 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 649.010 is hereby amended to read as follows:

649.010 "Claim" means any obligation for the payment of money or its equivalent [arising in the usual course of any business or professional occupation.] *that is past due.*

Sec. 2. NRS 649.020 is hereby amended to read as follows:

649.020 1. "Collection agency" [means and] includes all persons engaging, directly or indirectly, and as a primary or a secondary object, business or pursuit, in the collection of or in soliciting or obtaining in any manner the payment of a claim owed or due or asserted to be owed or due to another.

2. "Collection agency" does not include *an agency which only collects child support or* any of the following unless they are conducting collection agencies:

(a) Individuals regularly employed on a regular wage or salary, in the capacity of credit men or in other similar capacity upon the staff of employees of any person not engaged in the business of a collection agency or making or attempting to make collections as an incident to the usual practices of their primary business or profession.

(b) Banks.

(c) Nonprofit cooperative associations.

(d) Abstract companies doing an escrow business.

(e) Duly licensed real estate agents.

(f) Attorneys and counselors at law licensed to practice in this state, so long as they are retained by their clients to collect or to solicit or obtain payment of such clients' claims in the usual course of the practice of their profession.".

Amend sec. 3, page 2, line 5, by deleting "States." and inserting: "States [.] *or lawfully entitled to remain and work in the United States.*".

Amend sec. 4, page 2, by deleting lines 41 and 42 and inserting:

"*Less than $100,000* ..... *$25,000*".

Amend the title of the bill, first line, after "agencies;" by inserting: "revising the definition of "claim"; revising the definition of "collection agency" to exclude an agency which only collects child support;".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 624.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 625.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 651.

Amend section 1, page 1, line 3, after "*from*" by inserting "*private*".

Amend section 1, page 1, line 4, after: "*owner of the*" by inserting "*private*".

Amend section 1, page 1, line 6, by deleting "*he resides,*" and inserting: "*the private property is located,*".

Amend section 1, page 1, by deleting lines 14 through 19 and inserting: "*upon the person who authorized the towing of the vehicle.*".

Amend section 1, page 2, between lines 7 and 8, by inserting:

"*5. The operator of any facility or other location where vehicles which are towed from private property are stored shall display conspicuously at that facility or location a sign which sets forth the provisions of this section.*".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 643.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 645.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 703.

Amend section 1, page 1, line 5, after "*with a*" by inserting "*physical*".

Amend section 1, page 1, line 9, by deleting "*disability*" and inserting "*physical disability*".

Amend section 1, page 1, line 16, by deleting "*disability;*" and inserting "*physical disability;*".

Amend section 1, page 1, line 18, after "*with a*" by inserting "*physical*".

Amend section 1, page 1, line 20, after "*with a*" by inserting "*physical*".
Amend section 1, page 1, line 21, after "*with a*" by inserting "*physical*".
Amend section 1, page 1, line 23, after "*with a*" by inserting "*physical*".
Amend section 1, page 2, line 5, after "*with a*" by inserting "*physical*".
Amend section 1, page 2, line 11, after "*with a*" by inserting "*physical*".
Amend section 1, page 2, line 15, after "*with a*" by inserting "*physical*".
Amend section 1, page 2, line 18, after "*with a*" by inserting "*physical*".
Amend section 1, page 2, line 27, after "*with a*" by inserting "*physical*".
Amend section 1, page 2, line 28, after "*with a*" by inserting "*physical*".

Amend sec. 5, page 4, line 39, by deleting "*disability*" and inserting "*physical disability*".

Amend the title of the bill, second line, after "with a" by inserting "physical".

Amend the summary of the bill, second line, after "with" by inserting "physical".

Assemblyman Monaghan moved the adoption of the amendment.

Remarks by Assemblyman Monaghan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 85.

Bill read second time and ordered to third reading.

Senate Bill No. 207.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 730.

Amend section 1, page 1, line 2, by deleting "$54,400" and inserting "$50,520".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 252.

Bill read second time and ordered to third reading.

Senate Bill No. 273.

Bill read second time and ordered to third reading.

Senate Bill No. 303.

Bill read second time.

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

Amendment No. 776.

Amend sec. 3, page 2, line 2, by deleting "*misdemeanor*" and inserting "*gross misdemeanor*".

Amend sec. 7, page 3, line 12, by deleting "*misdemeanor*" and inserting "*gross misdemeanor*".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 416.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 616.

Amend sec. 87, page 34, line 5, by deleting "felony," and inserting "felony [,]".

Amend sec. 88, page 34, line 31, by deleting "felony," and inserting "felony [,".

Amend sec. 88, page 34, line 32, by deleting "tion" and inserting "tion] *and*".

Amend sec. 180, page 73, line 1, after "*200.720,*" by inserting "*201.230,*".

Amend sec. 197, page 80, line 40, after "*person*" by inserting: "*other than an indigent person*".

Amend sec. 197, page 80, line 43, by deleting "*bond.*" and inserting: "*bond if the court first determines that the person has the financial ability to post such a surety bond.*".

Amend sec. 208, page 85, line 14, by deleting "*2.*" and inserting:

"*2. In determining whether to place a person on probation, the court shall not consider whether the person has the financial ability to participate in a program of probation secured by a surety bond established pursuant to sections 197 to 204, inclusive, of this act.*

3.".

Amend sec. 208, page 85, line 20, by deleting "*3.*" and inserting "*4.*".

Amend sec. 208, page 85, line 26, by deleting "*4.*" and inserting "*5.*".

Amend sec. 208, page 85, line 34, by deleting "*5.*" and inserting "*6.*".

Amend sec. 211, page 86, line 16, by deleting "*3*" and inserting "*4*".

Amend the bill as a whole by deleting sec. 214 and inserting:

"Sec. 214. (Deleted by amendment.)".

Amend sec. 231, page 93, by deleting line 44 and inserting:

"*1. If a person is convicted of murder of the first degree before, on or after July 1, 1995, the board shall not*".

Amend sec. 231, page 93, line 46, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 231, page 93, line 47, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 231, page 94, between lines 1 and 2, by inserting:

"*2. If a person is convicted of any crime other than murder of the first degree on or after July 1, 1995, the board shall not commute:*

(a) A sentence of death; or

(b) A sentence of imprisonment in the state prison for life without the possibility of parole,

to a sentence that would allow parole.".

Amend the bill as a whole by renumbering sections 378 and 379 as sections 381 and 382 and adding new sections designated sections 378 through 380, following sec. 377, to read as follows:

"Sec. 378. Sections 2 and 3 of Senate Bill No. 317 of this session are hereby amended to read as follows:

Sec. 2. NRS 201.210 is hereby amended to read as follows:

201.210 1. A person who commits any act of open or gross lewdness is guilty:

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

(b) For any subsequent offense, of a category D felony and shall be punished as provided in NRS 193.130.

2. A person convicted of violating the provisions of subsection 1 must not be:

(a) Paroled unless a board consisting of:

(1) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(2) The director of the department of prisons; and

(3) A psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a menace to the health, safety or morals of others. For the purposes of this paragraph, the administrator and the director may each designate a person to represent him on the board.

(b) Released on probation unless a psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.

3. For the purposes of this section, the breast feeding of a child by the child's mother does not constitute an act of open or gross lewdness.

Sec. 3. NRS 201.220 is hereby amended to read as follows:

201.220 1. A person who makes any open and indecent or obscene exposure of his person, or of the person of another, is guilty:

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

(b) For any subsequent offense, of a category D felony and shall be punished as provided in NRS 193.130.

2. A person convicted of violating any of the provisions of subsection 1 must not be:

(a) Paroled unless a board consisting of:

(1) The administrator of the mental hygiene and mental retardation division of the department of human resources;

(2) The director of the department of prisons; and

(3) A psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada,

certifies that the person so convicted was under observation while confined in an institution of the department of prisons and is not a

menace to the health, safety or morals of others. For the purposes of this paragraph, the administrator and the director may each designate a person to represent him on the board.

(b) Released on probation unless a psychologist licensed to practice in Nevada or a psychiatrist licensed to practice medicine in Nevada certifies that the person so convicted is not a menace to the health, safety or morals of others.

3. For the purposes of this section, the breast feeding of a child by the child's mother does not constitute an act of open and indecent or obscene exposure of her body.

Sec. 379. Section 2 of Assembly Bill No. 59 of this session is hereby amended to read as follows:

Sec. 2. NRS 616.675 is hereby amended to read as follows:

616.675 Unless a different penalty is provided pursuant to NRS 616.678 to 616.683, inclusive, a person who knowingly makes a false statement or representation or who knowingly conceals a material fact to obtain or attempt to obtain any benefit, including a controlled substance, or payment under the provisions of this chapter, either for himself or for any other person, [is guilty of a category D felony and] shall be punished *as follows:*

1. If the amount of the benefit or payment obtained or attempted to be obtained was less than $250, for a misdemeanor.

2. If the amount of the benefit or payment obtained or attempted to be obtained was $250 or more, for a category D felony as provided in NRS 193.130.

In addition to any other penalty, the court shall order the person to pay restitution.

Sec. 380. Section 1 of Assembly Bill No. 396 of this session is hereby amended to read as follows:

Sec. 1. NRS 176.185 is hereby amended to read as follows:

176.185 1. [Whenever] *Except as otherwise provided in this section, whenever* a person is found guilty in a district court of a crime upon verdict or plea, except in cases of murder of the first or second degree, kidnaping in the first degree, sexual assault, *attempted sexual assault of a child who is less than 16 years of age,* an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or where the person is found to be a habitual criminal pursuant to NRS 207.010 or a habitual felon pursuant to section 180 of [this act,] *Senate Bill No. 416 of this session,* the court:

(a) If the person is found guilty of a category E felony, shall suspend the execution of the sentence imposed and grant probation to the person pursuant to NRS 193.130; or

(b) If the person is found guilty of any other felony, a gross misdemeanor or a misdemeanor, may suspend the execution of the sentence imposed and grant probation as the court deems advisable.

2. In determining whether to place a person on probation, the court shall not consider whether the person has the financial ability to partici-

pate in a program of probation secured by a surety bond established pursuant to sections 197 to 204, inclusive, of [this act.] *Senate Bill No. 416 of this session.*

3. The court may grant probation to a person convicted of indecent or obscene exposure or of lewdness only if a certificate of a psychologist or psychiatrist, as required by NRS 201.210, 201.220 or 201.230, is received by the court. The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the chief parole and probation officer, if any, in determining whether to grant probation.

4. If the court determines that a defendant is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing him to a term of imprisonment, grant him probation pursuant to the program of intensive supervision established pursuant to NRS 176.198.

5. The court shall not, except as otherwise provided in this subsection, grant probation to a person convicted of a felony until the court receives a written report from the chief parole and probation officer. The chief parole and probation officer shall submit a written report not later than 30 days following a request for a probation investigation from the county clerk, but if no report is submitted by the chief parole and probation officer within 30 days the district judge may grant probation without the written report.

6. If the court determines that a defendant is otherwise eligible for probation, the court shall when determining the conditions of that probation consider the imposition of such conditions as would facilitate timely payments by the defendant of his obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.".

Amend sec. 378, page 163, line 39, by deleting "1.".

Amend sec. 378, page 163, line 40, by deleting "377," and inserting "374,".

Amend sec. 378, page 163, by deleting lines 42 and 43.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to the Concurrent Committee on Ways and Means.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 158.

The following Senate amendment was read:

Amendment No. 498.

Amend section 1, page 1, line 8, by deleting: "[reputable] *qualified* physician," and inserting: "[reputable physician,] *qualified physician acting within his authorized scope of practice,*".

Amend section 1, page 1, by deleting lines 11 through 13 and inserting: "taken as satisfactory evidence by the board of trustees.".

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 158.

Remarks by Assemblyman Williams.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 151, 281, 396, 431; Senate Bills Nos. 100, 228; Senate Joint Resolution No. 6; Senate Concurrent Resolution No. 43.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that his remarks be entered in the Journal.

John McCloskey, Chief Accountant of the Legislative Counsel Bureau, underwent double-bypass surgery today. I have learned from Mr. Malkiewich that John has just recently returned from surgery and is doing fairly well. John has been the Chief Accountant for the Legislative Counsel Bureau for the past nine years, during which time our annual audits have always been clean and our accounting unit has been a model of professionalism. On behalf of the Assembly, I would like to wish John a speedy recovery and let him know our thoughts are with him today.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Tia Campbell.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to the following students from Gardnerville Elementary School: Heidi Agorastos, Joshua Allan, Skyler Ashdown, Daphne Bateman, Devon Bateman, Drew Bateman, Scott Bates, Jordan Beam, Kelly Bell, Leslie Birmingham, Stacy Brakebill, John Budden, David Cruz, Denise Erb, Nathan Fonger, Kelcy Forster, Megan Gunsten, Tracey Hawks, Jamie Hill, Sherry Liles, Krystal Moore, Victoria Ortega, Ryan Pierce, Kerri Ruby, Trevor Tholen, Marc Walling, Rebecca Wallstrum, Cody Witt, Kristen Zufelt, Jacob Barnett, Ashley Brune, Remy Chonez, Alana Coogan, Jeffrey Cotton, Tyler Creel, Blake Davis, Jessica Dimitriadis, Brianna Giroud, Angela Gloner, Erica Hall, Stephanie Hill, Wesley Hill, Danielle Kahler, Blake Lister, Nathan Minasian, Fermin Rodriguez, Viviana Rodriguez, Jacob Ruana, Benjamin Schuler, Talon Scofield, Joseph Spencer, Nicole Steele, Michael Stoeffler, Rebecca Swift, Kristen Trumpower, James Vanderlinden, Megan Vickers, Matthew Williams and Susan Zamboni; teachers Teresa Sidebott and Audrey Ellbogen; chaperones Marci Walling, Regina Erb, Cheryl Bell, Julie Davis, Lisa Giroud, Jodie Ruana and Nick Ruana.

On request of Assemblyman Price, the privilege of the floor of the Assembly Chamber for this day was extended to Paula Coughlin and Melissa Avance.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Greg Ligtenburger.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, June 6, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:53 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-SECOND DAY

CARSON CITY (Tuesday), June 6, 1995

Assembly called to order at 11:11 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Tom Summers.

Almighty God, we come before You this day in thanksgiving for a new day, and for the freedom and blessings you bring. We thank You for the calling You give to us to lead this state in the ways of Your justice and peace. Grant us wisdom, strength and courage to work together for the good of all, through Jesus Christ our Lord. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 580, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN MONAGHAN, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 120, 198; Senate Bill No. 98, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Concurrent Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 267, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was re-referred Assembly Bill No. 266, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 471, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 2, 125, 355, 385, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA TIFFANY, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA TIFFANY, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 2, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 474.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 5, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 36.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 395, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 6, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 46.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bills Nos. 223, 226, 255, 279, 375, 397, 413, 428, 437, 476, 489, 491, 504, 539, 625, 645; Senate Bills Nos. 131, 192, 207, 303 be placed on the General File immediately following Assembly Bill No. 643.

Motion carried.

Assemblyman Spitler moved that Senate Bill No. 252 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Marvel moved that Assembly Bill No. 255 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Steel moved that Assembly Bill No. 491 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

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

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:25 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Joint Resolution No. 40—Urging Congress, the United States Environmental Protection Agency and the Division of Environmental Protection of Nevada to resolve problems of small landfills with environmental regulations.

Assemblyman Carpenter moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Education:

Assembly Concurrent Resolution No. 42—Urging each school district and the Board of Regents of the University of Nevada to develop and provide training regarding child abuse.

Assemblyman Harrington moved that the resolution be referred to the Committee on Education.

Motion carried.

Senate Concurrent Resolution No. 46.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblyman Dini.

Assemblyman Ernaut requested that Assemblyman Dini's remarks be entered in the Journal.

Thank you, Mr. Speaker, members of the Assembly. We are here today to honor a great Nevadan, John Koontz. He comes from a long line of great people from Goldfield. He was one of the more knowledgeable men who served in state and local government. He started out in 1934 as the County Recorder of Esmeralda County. This started his political career which lead him to be one of the greatest Secretaries of State this state will ever know.

John came from the old style of working. He worked in the mines, the grocery store and cattle punching on ranches. This is how he got his start in Nevada. He was a great Democratic leader and was honored by our party many, many times as being one of the more outstanding leaders in the history of this state in the Democratic party.

As Secretary of State, he did a lot of great things during a time when the budgets where small. He did everything by hand, as there weren't any computers. It was acknowledged that the Nevada Secretary of State's office was one of the most efficient and more aggressive in the United States.

He also had great vision regarding the archives. When he found those historical records stored in the basement of the State Capitol building on a dirt floor, he realized that something had to be done to salvage the history of this state. He and John Cahlan started the drive to create the archives in this state. Because of this, we recently dedicated a room in the Nevada State Library in honor of him and Mr. Cahlan. I had the privilege of speaking that day in honor of John Koontz.

It is unfortunate that his wife could not be with us today, but we have other members of his family here. I think we recognize him for what he was; a great Nevada leader. A great man with vision and a very honest, hardworking, good Nevada American. We send condolences to his family. It has been my privilege to have known this man for the past 40 years. It has really been a pleasure. We will miss him sadly.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Education:

Assembly Bill No. 685—An Act relating to public schools; requiring that sufficient money be apportioned annually from the trust fund for class-size reduction to the various school districts to enable them to comply fully with certain requirements concerning class-size reduction; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 686—An Act relating to public works; requiring the state and local governments to select registered professional engineers, professional land surveyors and registered architects for certain public works on the basis of competitive bidding; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 687—An Act relating to gaming; making certain provisions of the classified service applicable to certain agents of the state gaming control board for certain purposes; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 688—An Act relating to criminal procedure; requiring that an arrested person must be taken before a magistrate within 48 hours after his arrest; requiring that a complaint against a person arrested without a warrant must be filed within 48 hours after the arrest; and providing other matters properly relating thereto.

Assemblyman Humke moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 689—An Act relating to insurance; establishing a system of insurance for the operation of a motor vehicle in which liability is not based upon fault; abolishing liability in tort in certain cases; limiting rates of reimbursement for providers of health care who provide treatment to a person whose injury is covered by a policy of insurance providing basic personal protection; establishing an assigned claims plan for claims made against insolvent insurers and for injuries for which no insurance can be identified; requiring insurers to refile their rates for such insurance at a reduced level; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Concurrent Committees on Commerce and Ways and Means.

Motion carried.

By the Committee on Commerce:

Assembly Bill No. 690—An Act relating to podiatry; revising the requirements for a license to practice podiatry; requiring the holder of a temporary license to practice podiatry under the direct supervision of a podiatric physician licensed to practice in this state; and providing other matters properly relating thereto.

Assemblyman Tiffany moved that the bill be referred to the Committee on Commerce.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 691—An Act relating to the department of motor vehicles and public safety; transferring the capitol police to the Nevada highway patrol division of the department; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 692—An Act relating to motor vehicles; abolishing the highway patrol special account; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 693—An Act making an appropriation to the City of Las Vegas for the support of certain centers for the treatment of substance abuse; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 474.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:50 a.m.

ASSEMBLY IN SESSION

At 11:53 a.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Chowning, Segerblom, Bennett, Ohrenschall, Lambert, Goldwater, Schneider, Manendo, Monaghan, Batten, Anderson, Stroth, Williams, Nolan, Bache, Braunlin, de Braga, Spitler, Tripple, Humke, Marvel, Close, Giunchigliani, Ernaut, Dini, Perkins, Allard, Buckley, Fettic, Krenzer, Freeman, Arberry, Steel and Brower:

Assembly Bill No. 694—An Act relating to fireworks; authorizing the state fire marshal to adopt regulations regarding the types of fireworks which may be sold for public use; requiring regulations and ordinances adopted by certain governmental entities to be as restrictive as the regulations adopted by the state fire marshal; providing and increasing penalties; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 334.

Bill read third time.

Remarks by Assemblyman Carpenter.

Conflict of interest declared by Assemblyman Spitler.

Roll call on Assembly Bill No. 334:

YEAS—39.

NAYS—None.

Not voting—Arberry, Spitler, Williams—3.

Assembly Bill No. 334 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 624.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 624:

YEAS—42.

NAYS—None.

Assembly Bill No. 624 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Senate Bill No. 85 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 643.

Bill read third time.

Remarks by Assemblyman Perkins.

Roll call on Assembly Bill No. 643:

YEAS—42.

NAYS—None.

Assembly Bill No. 643 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 223.

Bill read third time.

Remarks by Assemblyman Marvel.

Conflict of interest declared by Assemblyman Evans.

Potential conflict of interest declared by Assemblyman Price.

Roll call on Assembly Bill No. 223:

YEAS—40.

NAYS—None.

Not voting—Evans, Humke—2.

Assembly Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 226.

Bill read third time.

Remarks by Assemblymen Tiffany, Bennett, Marvel, Steel and Giunchigliani.

Roll call on Assembly Bill No. 226:
YEAS—41.
NAYS—Bennett.

Assembly Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 279.
Bill read third time.
Remarks by Assemblyman Close.
Roll call on Assembly Bill No. 279:
YEAS—41.
NAYS—None.
Not voting—Ernaut.

Assembly Bill No. 279 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 375.
Bill read third time.
Remarks by Assemblymen Price and Carpenter.
Roll call on Assembly Bill No. 375:
YEAS—42.
NAYS—None.

Assembly Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 397.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Assembly Bill No. 397:
YEAS—39.
NAYS—Allard, Harrington, Stroth—3.

Assembly Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 413.
Bill read third time.
Remarks by Assemblymen Chowning and Harrington.
Assemblyman Ernaut moved that Assembly Bill No. 413 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Ernaut.
Motion lost.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 12:15 p.m.

ASSEMBLY IN SESSION

At 12:17 p.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblyman Ernaut.

Assemblyman Batten moved that Assembly Bill No. 413 be taken from the General File and re-referred to the Committee on Transportation.

Motion carried.

Assembly Bill No. 428.

Bill read third time.

Remarks by Assemblymen Bache, Buckley and Bennett.

Roll call on Assembly Bill No. 428:

YEAS—42.

NAYS—None.

Assembly Bill No. 428 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 437.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 437:

YEAS—42.

NAYS—None.

Assembly Bill No. 437 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 303 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 476.

Bill read third time.

Remarks by Assemblymen Buckley, Carpenter, Chowning, and Schneider.

Conflicts of interest declared by Assemblymen Carpenter and Price.

Potential conflicts of interest declared by Assemblymen Chowning and Fettic.

Roll call on Assembly Bill No. 476:

YEAS—39.

NAYS—Bennett, Marvel—2.

Not voting—Carpenter.

Assembly Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 489.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 489:

YEAS—42.

NAYS—None.

Assembly Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 504.

Bill read third time.

Remarks by Assemblymen Buckley, Steel and Humke.

Assemblyman Steel moved that Assembly Bill No. 504 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 539.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Assembly Bill No. 539:

YEAS—35.

NAYS—Batten, Goldwater, Price, Sandoval—4.

Not voting—Tiffany, Williams, Mr. Speaker Dini—3.

Assembly Bill No. 539 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 625.

Bill read third time.

Remarks by Assemblymen Buckley and Harrington.

Roll call on Assembly Bill No. 625:

YEAS—42.

NAYS—None.

Assembly Bill No. 625 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 645.

Bill read third time.

Remarks by Assemblymen Monaghan and Freeman.

Potential conflict of interest declared by Assemblyman Goldwater.

Roll call on Assembly Bill No. 645:

YEAS—41.

NAYS—None.

Not voting—Goldwater.

Assembly Bill No. 645 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:47 p.m.

ASSEMBLY IN SESSION

At 1 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 131.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 131:

YEAS—42.

NAYS—None.

Senate Bill No. 131 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 192.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 192:

YEAS—42.

NAYS—None.

Senate Bill No. 192 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 207.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 207:

YEAS—42.

NAYS—None.

Senate Bill No. 207 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bills Nos. 120, 198, 299, 364, 471, 580; Senate Bills Nos. 2, 98, 125, 267, 355, 385 be placed on the Second Reading File.

Motion carried.

Assemblyman Chowning moved that Assembly Bill No. 461 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Freeman moved that Assembly Bill No. 580 be taken from the Second Reading File and re-referred to the Committee on Health and Human Services.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 461.

Bill read third time.

The following amendment was proposed by Assemblyman Chowning:

Amendment No. 647.

Amend section 1, page 1, by deleting line 7 and inserting: "2. Before entering".

Amend section 1, page 1, by deleting lines 20 through 23.

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

Amend sec. 4, page 3, by deleting line 18, and inserting: "4. Before entering".

Amend sec. 4, page 3, by deleting lines 29 through 33.

Amend sec. 4, page 3, line 34, by deleting "*6.*" and inserting "5.".

Amend the title of the bill to read as follows:

"An Act relating to airports; expanding the authorized term for certain contracts, leases and other arrangements concerning airport facilities; revising the notice required regarding the public meeting to discuss such arrangements; authorizing certain municipal employees to collect certain information to be used for preliminary planning for certain facilities; and providing other matters properly relating thereto.".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 69.

Bill read third time.

Remarks by Assemblymen Perkins and Close.

Roll call on Senate Bill No. 69:

YEAS—39.

NAYS—Bennett, Brower, Humke—3.

Senate Bill No. 69 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bills Nos. 273, 288, 297, 323; Senate Joint Resolution No. 3; Senate Joint Resolution No. 23 of the 67th Session be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 493, 522, 523, 524, 525, 527, 528, 535, 539.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 493.

Assemblyman Ernaut moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 522.

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

Motion carried.

Senate Bill No. 523.

Assemblyman Ernaut moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 524.

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

Motion carried.

Senate Bill No. 525.

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

Motion carried.

Senate Bill No. 527.

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

Motion carried.

Senate Bill No. 528.

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

Motion carried.

Senate Bill No. 535.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 539.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 120.

Bill read second time.

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

Amendment No. 693.

Amend section 1, page 1, line 8, by deleting "*or*" and inserting "*and*".

Amend section 1, page 1, line 12, by deleting "*reserved*" and inserting "*required*".

Amend section 1, page 1, line 15, after "*account.*" by inserting: "*The state controller shall calculate and reserve any amount which is required for rebate payments to the Federal Government pursuant to 26 U.S.C. § 148, as amended.*".

Amend section 1, page 2, by deleting line 10 and inserting:

"*At the request of the director of the administrative office of the courts or the director of the*".

Amend section 1, page 2, line 11, by deleting: "*bureau may request*" and inserting "*bureau,*".

Amend section 1, page 2, line 12, by deleting "*to*" and inserting "*shall*".

Amend section 1, page 2, line 14, after "*subsection.*" by inserting: "*The chief may charge any account he administers pursuant to this subsection for the expenses of that administration.*".

Amend section 1, page 2, line 22, by deleting "*end of*" and inserting: "*state controller closes his records for*".

Amend section 1, page 2, by deleting lines 23 through 30.

Amend section 1, page 2, line 31, by deleting "*7.*" and inserting "*6.*".

Amend the title of the bill by deleting the second through fourth lines and inserting: "maintenance, repair or improvement of capital projects of the state; and providing other matters properly relating thereto.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 198.

Bill read second time.

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

Amendment No. 694.

Amend the bill as a whole by deleting sections 1 through 3 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

"Section 1. Chapter 248 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If a county whose population is 400,000 or more merges its law enforcement agency with the law enforcement agency of the county seat of the county pursuant to chapter 280 of NRS, the sheriff of the county may enter into an agreement with the constable of the township in which the county seat is located, assigning to the constable any of the powers and duties of the sheriff regarding civil matters in that township, including the power to charge and collect any fees which the sheriff is authorized to charge and collect for the performance of those powers and duties.

2. An agreement authorized pursuant to subsection 1 does not become effective unless it is approved by the board of county commissioners of the county.

3. During the effective period of an agreement approved pursuant to subsection 2, the provisions of law regarding any powers and duties assigned to a constable pursuant to this section shall be deemed to refer to the constable instead of the sheriff.

Sec. 2. NRS 258.010 is hereby amended to read as follows:

258.010 1. Except as otherwise provided in [subsections 2, 3 and 4:] *this section:*

(a) Constables [shall] *must* be elected by the qualified electors of their respective townships.

(b) The constables of the several townships of the state [shall] *must* be chosen at the general election of 1966, and shall enter upon the duties of their offices on the first Monday of January next succeeding their election, and shall hold their offices for the term of 4 years thereafter, until their successors are elected and qualified.

(c) Constables [shall] *are entitled to* receive certificates of election from the boards of county commissioners of their respective counties.

2. In any county which includes only one township, the board of county commissioners may, by resolution, appoint the sheriff ex officio constable to serve without additional compensation. The resolution must not become effective until the completion of the term of office for which a constable may have been elected.

3. [In all counties] *Except as otherwise provided in subsection 4, in any county* whose population [is less than 100,000,] :

(a) Is less than 400,000, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may by ordinance abolish the office of constable in those townships. [For any township in which the office of constable has been abolished, the board of county commissioners may by resolution appoint the sheriff ex officio constable to serve without additional compensation.

4. In any county whose population is]

(b) Is 400,000 or more, if the board of county commissioners determines that the office of constable is not necessary in one or more townships within the county, it may by ordinance abolish the office in those townships, but the abolition does not become effective as to any particular township until the constable incumbent on May 28, 1979, does not seek, or is defeated for, reelection.

For any township in which the office of constable has been abolished, the board of county commissioners may by resolution appoint the sheriff ex officio constable to serve without additional compensation.

4. No board of county commissioners may abolish the office of constable in a township whose population is 75,000 or more, as certified by the governor pursuant to NRS 360.285. If the office of constable is abolished in a township whose population is less than 75,000 and the township subsequently attains a population of 75,000 or more, as certified by the governor pursuant to NRS 360.285, the board of county commissioners shall appoint a suitable person to fill that office until a successor constable is elected at the next ensuing biennial election.

Sec. 3. NRS 258.125 is hereby amended to read as follows:

258.125 1. [Constables] *Except as otherwise provided in an agreement approved pursuant to section 1 of this act, constables* are entitled to the following fees for their services:

For serving a summons or other process by which a suit is commenced in civil cases	$10
For summoning a jury before a justice of the peace	5
For taking a bond or undertaking	3
For serving an attachment against the property of a defendant	5
For serving subpoenas, for each witness	8
For a copy of any writ, process or order or other paper, when demanded or required by law, per folio	2
For drawing and executing every constable's deed, to be paid by the grantee, who must also pay for the acknowledgment thereof	12
For each certificate of sale of real property under execution	3
For levying any writ of execution or writ of garnishment, or executing an order of arrest in civil cases, or order for delivery of personal property, with traveling fees as for summons	8
For serving one notice required by law before the commencement of a proceeding for any type of eviction	15

For serving not fewer than 2 nor more than 10 such notices to the same location, each notice 12

For serving not fewer than 11 nor more than 24 such notices to the same location, each notice 10

For serving 25 or more such notices to the same location, each notice 9

For mileage in serving such a notice, for each mile necessarily and actually traveled in going only 1

But if two or more notices are served at the same general location during the same period, mileage may only be charged for the service of one notice.

For each service in a summary eviction, except service of any notice required by law before commencement of the proceeding, and for serving notice of and executing a writ of restitution 15

For making and posting notices, and advertising property for sale on execution, not to include the cost of publication in a newspaper 5

For each warrant lawfully executed 35

For mileage in serving summons, attachment, execution, order, venire, subpoena, notice, summary eviction, writ of restitution or other process in civil suits, for each mile necessarily and actually traveled, in going only 1

But when two or more persons are served in the same suit, mileage may only be charged for the most distant, if they live in the same direction.

For mileage in making a diligent but unsuccessful effort to serve a summons, attachment, execution, order, venire, subpoena or other process in civil suits, for each mile necessarily and actually traveled, in going only 1

But mileage may not exceed $20 for any unsuccessful effort to serve such process.

2. [A] *Except as otherwise provided in an agreement approved pursuant to section 1 of this act, a* constable is also entitled to receive:

(a) For receiving and taking care of property on execution, attachment or order, his actual necessary expenses, to be allowed by the court which issued the writ or order, upon the affidavit of the constable that the charges are correct and the expenses necessarily incurred.

(b) For collecting all sums on execution or writ, to be charged against the defendant, on the first $3,500, 2 percent thereof, and on all amounts over that sum, one-half of 1 percent.

(c) For service in criminal cases, except for execution of warrants, the same fees as are allowed sheriffs for like services, to be allowed, audited and paid as are other claims against the county.

3. Deputy sheriffs acting as constables are not entitled to retain for their own use any fees collected by them, but the fees must be paid into the county treasury on or before the [5th] *fifth* working day of the month next succeeding the month in which the fees were collected.

4. Constables shall, on or before the [5th] *fifth* working day of each month, account for and pay to the county treasurer all fees collected during the preceding month, except fees which may be retained as compensation.

Sec. 4. NRS 258.170 is hereby amended to read as follows:

258.170 *Except as otherwise provided in an agreement approved pursuant to section 1 of this act:*

1. No other fees [shall] *may* be charged by constables than those specifically set forth in this chapter [, nor shall] *; and*

2. *No* fees *may* be charged *by constables* for any other services than those mentioned in this chapter.

Sec. 5. If, before the effective date of this act, the office of constable was abolished in a township whose population was 75,000 or more at the time the office was abolished, the sheriff of the county shall appoint a suitable person to fill that office until a successor constable is elected at the biennial election in 1998.

Sec. 6. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to constables; revising the provisions governing the abolishment of constables in certain counties; authorizing an assignment of the civil powers and duties of a sheriff to constables in certain townships; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing abolishment of office of constable and authorizes assignment of civil powers and duties of sheriff to constables in certain townships. (BDR 20-201)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache and Segerblom.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 198 be placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 299.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 592.

Amend section 1, page 1, line 2, by deleting "28," and inserting "33,".

Amend sec. 2, page 1, line 3, by deleting "*28,*" and inserting "*33,*".

Amend sec. 4, page 1, line 11, by deleting "*objective*".

Amend sec. 6, page 1, by deleting lines 17 through 20 and inserting:

"Sec. 6. *"Dependent" means a spouse or:*

1. An unmarried child under 19 years of age;

2. An unmarried child who is a full-time student under 24 years of age and who is financially dependent upon the parent; or

3. An unmarried child of any age who is medically certified as disabled and dependent upon the parent,

who the parent claimed as his dependent on the form for income tax returns which he filed with the Internal Revenue Service for the previous fiscal year.".

Amend sec. 7, page 1, line 21, by deleting "*an*" and inserting "*a permanent*".

Amend sec. 7, page 1, line 22, by deleting "*proprietor,*" and inserting "*proprietor or*".

Amend sec. 7, page 1, by deleting line 23 and inserting: "*of a partnership, if the sole proprietor or part-*".

Amend sec. 7, page 1, line 24, by deleting: "*or independent contractor*".

Amend sec. 7, page 1, by deleting lines 25 and 26 and inserting: "*benefit plan of a small employer.*".

Amend sec. 8, page 2, line 4, after "*payment insurance,*" by inserting: "*accident insurance only policies, credit insurance, plans for dental care, optometric plans, coverage provided as a supplement to Medicare, coverage for long-term care, disability income*".

Amend sec. 10, page 2, line 11, by deleting "*3*" and inserting "*2*".

Amend sec. 11, page 2, line 33, by deleting: "*October 1, 1995,*" and inserting: "*January 1, 1996,*".

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5. *1. A health benefit plan offered by a carrier pursuant to this chapter must include coverage of basic medical and hospital care, including, without limitation, coverage for:*

(a) Pap smears;

(b) Mammograms;

(c) Prenatal care;

(d) Screening for prostate cancer;

(e) Inpatient care;

(f) Outpatient care;

(g) Emergency medical care;

(h) General services offered by a physician;

(i) Testing performed by a medical laboratory; and

(j) X-rays.

2. In addition to the coverage required by subsection 1, a carrier may offer additional coverage for an additional cost upon the approval of the commissioner.".

Amend sec. 12, page 2, line 39, after "*plans*" by inserting: "*and the terms of the coverage*".

Amend sec. 12, page 2, line 42, after "*employees*" by inserting: "*to a carrier*".

Amend sec. 12, page 2, line 47, by deleting "*period.*" and inserting: "*period, if the terms of coverage provided in the plans are the same.*".

Amend sec. 13, page 3, line 4, by deleting "*substantial*" and inserting "*material*".

Amend sec. 14, page 3, line 11, by deleting "*A*" and inserting: "*In determining the rating factors for establishing the premiums for a health benefit plan, a*".

Amend sec. 14, page 3, line 12, by deleting "*family and*" and inserting "*family,*".

Amend sec. 14, page 3, line 13, after "*group*" by inserting: "*and the amount contributed by the employer to the cost of coverage*".

Amend sec. 15, page 3, line 15, by deleting: "*12, 13 and 14*" and inserting: "*11.5 to 14, inclusive,*".

Amend sec. 15, page 3, by deleting lines 19 through 21 and inserting: "*carriers are reasonable and reflect only differences in the designs of the plans, the terms of the coverage, the amount contributed by the employers to the cost of coverage and differences based on the rating factors established by the carrier.*".

Amend sec. 16, page 3, line 25, by deleting "*including*" and inserting: "*including, without limitation, standards for medical underwriting,*".

Amend sec. 16, page 3, by deleting lines 29 through 32 and inserting: "*receiving coverage from the carrier.*".

Amend sec. 18, page 4, line 22, by deleting "*provides benefits*" and inserting: "*provides basic medical and hospital care, including, without limitation,*".

Amend sec. 18, page 4, by deleting lines 23 through 25 and inserting "*emergency*".

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

"Sec. 18.5. *1. Except as otherwise provided in subsection 2, a carrier serving small employers that issues a health benefit plan shall not deny, exclude or limit a covered benefit for a preexisting condition:*

(a) For more than 6 months after the effective date of coverage if the employee enrolls through open enrollment.

(b) For more than 6 months after the effective date of coverage if the employee is a qualified late enrollee.

(c) For more than 12 months after the effective date of coverage if the employee is not a qualified late enrollee and enrolls after the close of open enrollment.

2. A carrier that issues a health benefit plan shall not deny, exclude or limit coverage for a preexisting condition during the 6 months immediately following the effective date of coverage if the employee had existing coverage continuously for up to not more than 90 days before the effective date of coverage under the health benefit plan, excluding any affiliation period required before becoming eligible to enroll in the health benefit plan.

3. A carrier that does not restrict coverage for a preexisting condition may require an affiliation period before coverage becomes effective under a plan of insurance if the affiliation period applies to all employees. An insurer that imposes an affiliation period may require an employee to be employed for not more than:

(a) Sixty days after the employee enrolls in the plan of insurance through open enrollment;

(b) Sixty days after the employee enrolls in the plan of insurance if he is a qualified late enrollee; or

(c) One hundred eighty days after the employee enrolls in the plan if he is not a qualified late enrollee and enrolls after the close of open enrollment, before coverage of the employee becomes effective. During the affiliation period the carrier shall not collect any premiums for coverage of the employee.

4. An insurer that restricts coverage for preexisting conditions shall not impose an affiliation period.

5. As used in this section:

(a) "Affiliation period" means a period of time during which an employee must be employed by his current employer.

(b) "Open enrollment" means the period of time designated for enrollment in a health benefit plan.

(c) "Preexisting condition" means a condition for which medical advice, diagnosis, care or treatment was recommended or received during the 6 months immediately preceding the effective date of coverage.

(d) "Qualified late enrollee" means:

(1) An eligible employee or his dependent:

(I) Who enrolls in a plan of insurance after the close of open enrollment;

(II) Who was insured under existing coverage at the time of open enrollment;

(III) Whose existing coverage was canceled because of an unforeseen event; and

(IV) Who requests enrollment in the plan of insurance not more than 30 days after his existing coverage is canceled.

(2) An eligible employee or his dependent who enrolls in a health benefit plan during the period for open enrollment offered by his employer and then seeks to change to a different health benefit plan offered by the employer after the close of open enrollment.

(3) An eligible employee or his dependent for whom a court has ordered the carrier to provide coverage and who requests to be enrolled in a health benefit plan not later than 30 days after the court order is issued.".

Amend sec. 19, page 4, line 39, by deleting "*50*" and inserting "*25*".

Amend sec. 20, page 5, line 20, by deleting: "*October 1, 1995,*" and inserting: "*January 1, 1996,*".

Amend sec. 23, page 6, line 18, by deleting "*20*" and inserting "*25*".

Amend sec. 24, page 6, line 23, by deleting "*28,*" and inserting "*33,*".

Amend the bill as a whole by adding a new section, designated sec. 25.5, following sec. 25, to read as follows:

"Sec. 25.5. *1. The commissioner shall adopt regulations which require a carrier to file with the commissioner, for his approval, a disclosure offered by the carrier to a small employer. The disclosure must include:*

(a) Any significant exception, reduction or limitation that applies to the policy;

(b) Any restrictions on payments for emergency care, including, without limitation, related definitions of an emergency and medical necessity;

(c) The provision of the health benefit plan concerning the carrier's right to change premium rates and the characteristics, other than claim experience, that affect changes in premium rates;

(d) The provisions relating to renewability of policies and contracts;

(e) The provisions relating to any preexisting condition; and

(f) Any other information that the commissioner finds necessary to provide for full and fair disclosure of the provisions of a policy or contract of insurance issued pursuant to this chapter.

2. The disclosure must be written in language which is easily understood and must include a statement that the disclosure is a summary of the policy only, and that the policy itself should be read to determine the governing contractual provisions.

3. The commissioner shall not approve any proposed disclosure submitted to him pursuant to this section which does not comply with the requirements of this section and the applicable regulations.".

Amend sec. 26, page 7, by deleting lines 3 through 13 and inserting:

"Sec. 26. *A carrier shall provide to a small employer to whom it has offered a health benefit plan a copy of the disclosure approved for that plan pursuant to section 25.5 of this act before any policy or contract of insurance under a health benefit plan is issued. A carrier shall not offer a health benefit plan to a small employer unless the disclosure for the plan has been approved by the commissioner.*".

Amend sec. 27, page 7, by deleting line 16 and inserting: "*this act as to the premium rates*".

Amend sec. 28, page 7, line 26, by deleting "*26,*" and inserting "*25,*".

Amend the bill as a whole by deleting sections 29 through 31, renumbering sections 32 and 33 as sections 34 and 35 and adding new sections designated sections 29 through 33, following sec. 28, to read as follows:

"Sec. 29. *1. Except as otherwise provided in subsections 2 and 3, a carrier shall renew a health benefit plan at the option of the small employer who purchased the plan.*

2. A carrier may refuse to renew a health benefit plan if:

(a) The carrier discontinues transacting insurance in this state or in the geographic area of this state where the employer is located;

(b) The employer fails to pay the premiums required by the terms of the plan;

(c) The employer misrepresents any information regarding the employees covered under the plan or other information regarding eligibility for coverage under the plan; or

(d) The employer fails to comply with any of the provisions of this chapter.

3. A carrier may require a small employer to exclude a particular employee or his dependent from coverage under a health benefit plan as a condition to renewal of the plan if the employee or his dependent commits fraud upon the carrier or misrepresents a material fact which affects his coverage under the plan.

4. If a carrier cancels a health benefit plan, it may deny coverage to the small employer for such period and under such conditions as are specified by the commissioner.

Sec. 30. *1. A carrier that discontinues transacting insurance in this state or in a particular geographic area of this state shall:*

(a) Notify the commissioner not less than 180 days before the expiration of any policy or contract of insurance under any health benefit plan issued to a small employer pursuant to this chapter.

(b) Notify each small employer affected not less than 180 days before coverage under the health benefit plan of the employer expires.

2. A carrier that cancels any health benefit plan because it has discontinued transacting insurance in this state or in a particular geographic area of this state may not issue any health benefit plans pursuant to this chapter in this state or in the particular geographic area for 30 months after it gives notice to the commissioner pursuant to subsection 1.

Sec. 31. *1. Any policy or contract of insurance delivered or issued for delivery in this state under a health benefit plan which provides for coverage of benefits under the plan on an expense-incurred basis must contain a provision that the employee is entitled to have issued to him by the insurer a policy of health insurance when the employee is no longer covered by the health benefit plan.*

2. The requirement in subsection 1 only applies to a policy or contract of insurance issued under a health benefit plan if:

(a) The termination of coverage is not because of termination of the health benefit plan, unless the termination of the health benefit plan resulted from the failure of the employer to remit the required premiums;

(b) The termination is not because of failure of the employee to remit any required contributions;

(c) The employee has been continuously insured under any health benefit plan of the employer for at least 3 consecutive months immediately preceding the termination; and

(d) The employee applies in writing for the converted policy and pays his first premium to the insurer not later than 31 days after the termination.

Sec. 32. *1. Except as otherwise provided in this section, if an employer who employs less than 20 employees maintains a health benefit plan which covers those employees, the plan must contain a provision which permits:*

(a) An employee to elect to continue identical coverage under the plan, excluding coverage provided for eye or dental care, if:

(1) His employment is terminated for any reason other than gross misconduct; or

(2) The number of his working hours is reduced so that he ceases to be eligible for coverage.

(b) The spouse or dependent child of an employee to elect to continue coverage, excluding any coverage provided for eye or dental care, if:

(1) The employee's employment is terminated for any reason other than gross misconduct or the number of his working hours is reduced so that he ceases to be eligible for coverage;

(2) The employee dies;

(3) The employee and his spouse are divorced or legally separated;

(4) The dependent child ceases to be eligible for coverage under the terms of the policy; or

(5) The spouse ceases to be eligible for coverage after becoming eligible for Medicare.

2. The period of continued coverage is limited to:

(a) Eighteen months for an employee.

(b) Thirty-six months for the dependent of an employee.

3. An employee who voluntarily leaves his employment, or the dependent of that employee, is not eligible to continue coverage pursuant to this section.

4. An employee or his dependent who has not been covered under a health benefit plan of the employer for at least 12 consecutive months before the termination of his coverage is not eligible to continue coverage pursuant to this section.

Sec. 33. *A health benefit plan which offers a difference of payment between preferred providers of health care and providers of health care who are not preferred:*

1. May not require a deductible of more than $600 difference per admission to a facility for inpatient treatment which is not a preferred provider of health care.

2. May not require a deductible of more than $500 difference per treatment, other than inpatient treatment at a hospital, by a provider which is not preferred.

3. May not provide for a difference in percentage rates of payment for coinsurance of more than 30 percentage points between the payment for coinsurance required to be paid by the insured to a preferred provider of health care and the payment for coinsurance required to be paid by the insured to a provider of health care who is not preferred.

4. Must require that the deductible and payment for coinsurance paid by the insured to a preferred provider of health care be applied to the negotiated reduced rates of that provider.

5. Must include for providers of health care who are not preferred a provision establishing the point at which an insured's payment for coinsurance is no longer required to be paid if such a provision is included for preferred providers of health care. Such provisions must be based on a calendar year. The point at which an insured's payment for coinsurance is no longer required to be paid for providers of health care who are not preferred must not be greater than twice the amount for preferred providers of health care, regardless of the method of payment.

6. Must provide that if there is a particular service which a preferred provider of health care does not provide and the provider of health care who is treating the insured requests the service and the insurer determines that the use of the service is necessary for the health of the insured, the service shall be deemed to be provided by the preferred provider of health care.

7. Must require the insurer to process a claim of a provider of health care who is not preferred not later than 30 working days after the date on which proof of the claim is received.".

Amend sec. 32, page 8, line 25, by deleting "*28,*" and inserting "*33,*".

Amend sec. 33, page 8, line 32, by deleting "*28,*" and inserting "*33,*".

Amend the bill as a whole by adding new sections designated sections 36 through 38, and the leadlines of repealed sections, following sec. 33, to read as follows:

"Sec. 36. Section 23 of this act is hereby amended to read as follows:

Sec. 23. A carrier serving small employers may utilize industry classifications as a rating factor in establishing premium rates, but the highest rate factor associated with any industry classification may not exceed the lowest rate factor associated with any industry classification by more than [25] *20* percent.

Sec. 37. NRS 689C.010, 689C.020, 689C.030, 689C.040, 689C.050, 689C.060, 689C.070, 689C.080, 689C.090, 689C.100, 689C.110, 689C.120, 689C.130 and 689C.140 are hereby repealed.

Sec. 38. 1. This section, sections 1 to 27, inclusive, 29 to 35, inclusive, and 37 of this act become effective on January 1, 1996.

2. Section 28 of this act becomes effective on January 1, 1997.

3. Section 36 of this act becomes effective on July 1, 1997.

LEADLINES OF REPEALED SECTIONS

689C.010 Definitions.

689C.020 Approval of commissioner; regulations.

689C.030 Duties of insurer.

689C.040 Realization of net profit prohibited.

689C.050 Limitation on remuneration for enrollment of person or marketing of coverages.

689C.060 Benefits and coverages.

689C.070 Limitations on benefits; underwriting.

689C.080 Reduction of benefits because of other coverage; recovery of benefits paid for uncovered expenses.

689C.090 Deductibles and copayments.

689C.100 Eligibility of employer.

689C.110 Liability of employer for premium.

689C.120 Cancellation of policies or contracts for misrepresentation of employer.

689C.130 Annual accounting by insurer; reduction of premiums to reflect net profit; exemption from premium tax.

689C.140 Reports to commissioner concerning operation of plan.".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblymen Buckley, Tiffany, Giunchigliani, Goldwater, Brower, Harrington, Freeman, Monaghan and Nolan.

Conflict of interest declared by Assemblyman Krenzer.

Assemblymen Perkins, Allard and Bache moved the previous question.

Motion carried.

The question being on the motion to adopt Amendment No. 592 to Assembly Bill No. 299.

Assemblymen Ernaut, Humke and Spitler requested a roll call on Assemblyman Buckley's motion.

Roll call on Assemblyman Buckley's motion:

YEAS—22.

NAYS—Allard, Batten, Bennett, Braunlin, Brower, Carpenter, Close, Fettic, Harrington, Humke, Lambert, Marvel, Monaghan, Sandoval, Steel, Stroth, Tiffany, Tripple, Mr. Speaker Hettrick—19.

Not voting—Krenzer.

The motion having received a majority, Mr. Speaker declared it carried.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 364.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 362.

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

"Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A county or city may authorize the justices or judges of the justices' or municipal courts within its jurisdiction to impose, in addition to an administrative assessment imposed pursuant to NRS 176.059, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads or is found guilty of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If the defendant is found not guilty or the charges are

dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 179.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section; and

(c) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center which includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center which includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center which includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center which includes the municipal courts.

Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justices' courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justices' courts or a regional justice center which includes the justices' courts.

(b) Construct or acquire additional facilities for the justices' courts or a regional justice center which includes the justices' courts.

(c) Renovate or remodel existing facilities for the justices' courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justices' courts or a regional justice center which includes the justices' courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justices' courts or a regional justice center which includes the justices' courts.

Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice's court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.".

Amend the title of the bill to read as follows:

"An Act relating to court facilities; authorizing the collection of an administrative assessment in municipal courts and justices' courts for the provision of court facilities; limiting the use of the proceeds to costs relating to the provision of court facilities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes administrative assessment for misdemeanors to cover costs of providing court facilities. (BDR 14-690)".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblymen Humke and Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 471.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 615.

Amend section 1, page 1, by deleting lines 3 through 8 and inserting:

"*1. It is unlawful:*

(a) For any person to sell or distribute for sale a laundry detergent that contains more than 0.5 percent of elemental phosphorus by weight.

(b) For any person to sell or distribute for sale a dishwashing detergent that contains 8.7 percent or more of elemental phosphorus by weight.

2. Subsection 1 does not apply to the sale or distribution for sale of laundry or dishwashing detergents for commercial or industrial uses in a county whose population is less than 400,000.

3. As used in this section:

(a) "Dishwashing detergent" means a cleaning agent sold, used or manufactured for the purpose of cleaning dishes, glasses, kitchen utensils and other cookware by hand or machine.

(b) "Laundry detergent" means a cleaning agent sold, used or manufactured for the purpose of cleaning laundry by hand or machine.".

Amend the title of the bill to read as follows:

"An Act relating to water pollution; prohibiting the sale or distribution for sale of laundry detergent containing a certain amount of elemental phosphorus; prohibiting the sale or distribution for sale of dishwashing detergent containing a certain amount of elemental phosphorus; providing certain exceptions; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Prohibits sale or distribution for sale of certain detergents containing elemental phosphorus. (BDR 40-184)".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblymen Carpenter and Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 2.

Bill read second time and ordered to third reading.

Senate Bill No. 98.

Bill read second time.

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

Amendment No. 597.

Amend section 1, page 1, line 12, by deleting the brackets.

Amend section 1, page 1, by deleting lines 13 through 17 and inserting:

"(2) [If the application proposes to divert 1 or more cubic feet per second of water, his financial ability to construct the work with reasonable diligence.] *His financial ability and reasonable expectation actually to construct the work and apply the water to the intended beneficial use with reasonable diligence.*".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 125.
Bill read second time and ordered to third reading.

Senate Bill No. 267.
Bill read second time and ordered to third reading.

Senate Bill No. 355.
Bill read second time and ordered to third reading.

Senate Bill No. 385.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Humke moved that Assembly Bill No. 364 be placed on the Chief Clerk's desk.
Remarks by Assemblyman Humke.
Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 147, 158, 206, 277, 305, 500, 535; Assembly Joint Resolution No. 17; Senate Bills Nos. 197, 200, 216.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Lee-Ann Keever, Scott Keever and Guy Rocha.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Michael V. Jackson and Donna K. Bybee.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Gordon Thornton and Linda Stinar.

Assemblyman Ernaut moved that the Assembly adjourn until Wednesday, June 7, 1995 at 11 a.m.
Motion carried.

Assembly adjourned at 1:52 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-THIRD DAY

CARSON CITY (Wednesday), June 7, 1995

Assembly called to order at 11:08 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Marianne Rhoads.

Almighty and Heavenly God, focus our efforts today. As we face today's decisions, give us insight; a keen sense of Your priorities and the strength to choose. At the end of this day, we want to be able to look back at what we've done and say, "Yes, we've done well." Help us to reach this goal, having done all things in Your Name, as Your children, as Your servants. In Your Name, we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 303 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 414, 450, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 202, 220, 221, 222, 469, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 217, 252, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 212, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 561, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 104, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 604, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 153, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 6, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 131, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 29.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 149.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 21.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators James, McGinness and Adler as a first Committee on Conference concerning Senate Joint Resolution No. 12.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 7, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 47.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 120, 212, 299, 461, 471; Senate Bill No. 98 be placed on the General File immediately following Assembly Bill No. 266.

Motion carried.

Senate Concurrent Resolution No. 11.

Assemblyman Segerblom moved the adoption of the resolution.

Remarks by Assemblyman Segerblom.

Resolution adopted.

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 43—Directing the Legislative Commission to continue the interim study of the structure and functioning of the Legislative Counsel Bureau.

Assemblyman Giunchigliani moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Joint Resolution No. 21.

Assemblyman Perkins moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

Senate Concurrent Resolution No. 47.

Assemblyman Humke moved the adoption of the resolution.

Remarks by Assemblymen Humke and Segerblom.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. Judge Thompson is the second Judge Thompson that we honor during this legislative session. His brother, Bruce, also met his demise since the last legislative session. They were a tremendous pair of brothers; a tremendous pair of individuals. They were important to the State Bar and the court systems of this state. They were giants.

Gordon was no less a giant than his brother Bruce. He published many, many opinions at the Supreme Court, as he was the chief drafter—a work horse. He was respected by all members of the judiciary and the State Bar of this state. I also believe he was well respected by all members of the Legislature and all public officials.

I had the pleasure of knowing him very late in his career. He taught at the Nevada School of Law at Old College where he taught Civil Procedure. I'm pleased to say that I suggested to the student body that we create a "Professor of the Year Award" and that we present it to him. This was done unanimously, almost without discussion, because of his stature. Judge Thompson did pass away earlier this year and will be sorely missed. Thank you, Mr. Speaker.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. I went to college with Judge Thompson when he was just Gordon Thompson. He was as fair and kind then and a lot of fun. We had a good time together. I knew his brother Bruce very well, too. I recommend that you all join us in supporting this resolution. Thank you.

Resolution adopted unanimously.

By Assemblymen Anderson, Allard, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams:

Assembly Concurrent Resolution No. 44—Commending the Communications Workers of America Local 9413 for their public service at the Veterans Administration Medical Center in Reno.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Assemblyman Anderson withdrew his motion.

Assemblyman Giunchigliani moved that Assembly Concurrent Resolution No. 44 be placed on the Chief Clerk's desk.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 472, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections and Procedures:

Assembly Bill No. 695—An Act relating to elections; creating a presidential preference primary election; requiring that the election be conducted by mail; establishing procedures for the selection of candidates for nomination for President of the United States; making an appropriation; and providing other matters properly relating thereto.

Assemblyman Giunchigliani moved that the bill be referred to the Concurrent Committees on Elections and Procedures and Ways and Means.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 696—An Act relating to county license taxes; requiring a newly incorporated city or town to collect certain license taxes levied by the county which are pledged for the payment of certain bonds and other obligations issued after the incorporation of the city or town; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 697—An Act making a supplemental appropriation to the department of prisons for certain costs relating to medical care; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 698—An Act relating to the vehicle privilege tax; revising the provisions governing the disposition of the commission for collecting the vehicle privilege tax; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 699—An Act making a supplemental appropriation to the division of child and family services of the department of human resources for the costs of placing certain children in intermediate care facilities for the mentally retarded in Utah; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 700—An Act relating to intestate succession; allowing the issue of a deceased brother or sister of a decedent to succeed to the estate of the decedent under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblyman Arberry:

Assembly Bill No. 701—An Act relating to discrimination in employment; extending the period during which an action for sexual discrimination based on sexual harassment may be brought; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 266.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 266:

YEAS—42.

NAYS—None.

Assembly Bill No. 266 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 217, 252, 414, 450, 472, 561, 604; Senate Bills Nos. 104, 153, 202, 220, 221, 222, 469 be placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 120.

Bill read third time.

Remarks by Assemblyman Bache.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:41 a.m.

ASSEMBLY IN SESSION

At 11:42 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Bache moved that Assembly Bill No. 120 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 212.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 787.

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

"Sec. 7. This act becomes effective on March 1, 1996.".

Amend the title of the bill, fifth line, by deleting: "making an appropriation;".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 299.

Bill read third time.

Remarks by Assemblymen Buckley, Tiffany, Ernaut, Freeman, Harrington and Steel.

Roll call on Assembly Bill No. 299:

YEAS—41.

NAYS—None.

Not voting—Krenzer.

Assembly Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 461.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 461:

YEAS—42.

NAYS—None.

Assembly Bill No. 461 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 471.

Bill read third time.

Remarks by Assemblymen Bache, Harrington and Freeman.

Assemblyman Freeman moved that Assembly Bill No. 471 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended and that Assembly Bills Nos. 266, 299, 461; Senate Concurrent Resolutions Nos. 11, 47 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 98.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Senate Bill No. 98:

YEAS—42.

NAYS—None.

Senate Bill No. 98 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 2.

Bill read third time.

Remarks by Assemblymen Brower, Bennett, Tiffany and Lambert.

Roll call on Senate Bill No. 2:

YEAS—41.

NAYS—None.

Not voting—Batten.

Senate Bill No. 2 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 125.
Bill read third time.
Remarks by Assemblyman Fettic.
Roll call on Senate Bill No. 125:
YEAS—42.
NAYS—None.

Senate Bill No. 125 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 267.
Bill read third time.
Remarks by Assemblyman Ohrenschall.
Roll call on Senate Bill No. 267:
YEAS—41.
NAYS—None.
Not voting—Lambert.

Senate Bill No. 267 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 273.
Bill read third time.
Remarks by Assemblymen Anderson, Giunchigliani and Price.
Roll call on Senate Bill No. 273:
YEAS—42.
NAYS—None.

Senate Bill No. 273 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 288.
Bill read third time.
Remarks by Assemblyman Nolan.
Roll call on Senate Bill No. 288:
YEAS—42.
NAYS—None.

Senate Bill No. 288 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 297.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Senate Bill No. 297:
YEAS—42.
NAYS—None.

Senate Bill No. 297 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 323.

Bill read third time.

Remarks by Assemblymen Batten, Steel and Anderson.

Roll call on Senate Bill No. 323:

YEAS—42.

NAYS—None.

Senate Bill No. 323 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 355.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Senate Bill No. 355:

YEAS—42.

NAYS—None.

Senate Bill No. 355 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 385.

Bill read third time.

Remarks by Assemblyman Allard.

Roll call on Senate Bill No. 385:

YEAS—42.

NAYS—None.

Senate Bill No. 385 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 3.

Resolution read third time.

Remarks by Assemblymen Close, Evans, Giunchigliani, Ernaut and Price.

Assemblymen Allard, Bennett and Hettrick moved the previous question.

Motion carried.

The question being on the passage of Senate Joint Resolution No. 3.

Roll call on Senate Joint Resolution No. 3:

YEAS—39.

NAYS—Evans, Giunchigliani, Goldwater—3.

Senate Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 23 of the 67th Session.

Resolution read third time.

Remarks by Assemblyman Close.

Roll call on Senate Joint Resolution No. 23 of the 67th Session:

YEAS—41.

NAYS—Anderson.

Senate Joint Resolution No. 23 of the 67th Session having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 303.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Senate Bill No. 303:

YEAS—40.

NAYS—Braunlin, Krenzer—2.

Senate Bill No. 303 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Bill No. 465, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Stroth:

Assembly Bill No. 702—An Act relating to sexually oriented enterprises; requiring certain sexually oriented businesses to obtain state as well as local licenses; imposing a state license fee; and providing other matters properly relating thereto.

Assemblyman Stroth moved that the bill be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 465 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 217.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 790.

Amend section 1, page 1, line 3, by deleting "$235,485" and inserting "$199,967".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 252.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 672.

Amend section 1, page 1, by deleting line 3 and inserting: "of $9,546 for computer hardware and software. The money appropriated by this section must not be expended until the requisite contributions from the boards of county commissioners have been received by the department.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 414.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 667.

Amend section 1, page 1, by deleting lines 10 through 18 and inserting:

"2. *If the voters of a school district approve an additional levy of taxes ad valorem pursuant to NRS 387.3285 or 387.3287 or the issuance of bonds or other debt to be repaid by a levy of taxes ad valorem throughout the district, and the department finds for any fiscal year that the additional rate of tax required for this purpose, when added to the rates of taxes ad valorem authorized to be levied in the district by other local governments and the state for that fiscal year would cause the combined rate within the territory of any other local government to exceed the rate allowed by NRS 361.453, the department shall determine:*

(a) The amounts by which the proposed levies for all of the other local governments whose rates affect the territory have increased from the previous year; and

(b) The portion of the amount by which the combined rate would exceed the rate allowed by NRS 361.453 that is directly attributable to the additional levy approved by the voters for the school district.

3. If the department determines that any portion of the amount by which the combined rate would exceed the rate allowed by NRS 361.453 is directly attributable to the additional levy approved by the voters for the school district, the school district shall:

(a) Reduce for the fiscal year the amount levied pursuant to NRS 387.3285 or 387.3287, or both, if the proceeds of the levy are not already committed for debt service, by the amount determined by the department to be directly attributable to the school district;

(b) Transfer to the other local government whose rate overlaps in that territory an amount of money, determined by the department to be directly attributable to the school district, to reduce the combined rate to the rate allowed; or

(c) Determine and implement a combination of the methods of reduction allowed by paragraphs (a) and (b) that will result in the reduction of the combined rate by the amount determined by the department to be directly attributable to the school district.".

Amend section 1, page 1, line 19, by deleting "*3. The*" and inserting:

"*4. If a school district determines that it will proceed pursuant to paragraph (b) or (c) of subsection 3, the*".

Amend the title of the bill to read as follows:

"An Act relating to taxation; requiring a school district to take certain actions to reduce the combined tax rate of another local government under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires school district to take certain actions to reduce combined tax rate of another local government under certain circumstances. (BDR 32-947)".

Assemblyman Stroth moved the adoption of the amendment.

Remarks by Assemblyman Stroth.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 450.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 668.

Amend the bill as a whole by deleting sections 1 through 5, renumbering sec. 6 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 360 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In determining the amount of sales tax due on a sale at retail, the rate of tax used must be the sum of the rates of all taxes imposed upon sales at retail in the county in which the property is or will be delivered to the purchaser or his agent or designee.

2. In determining the amount of use tax due on the purchase of tangible personal property for use, storage or other consumption in this state, the rate of tax used must be the sum of the rates of all taxes imposed upon the use, storage or other consumption of property in the county in which the property is first used, stored or consumed.

3. On or before January 1 of each year the department shall transmit to each retailer to whom a permit has been issued a notice which contains the provisions of subsections 1 and 2 and NRS 372.365.

Sec. 2. NRS 372.365 is hereby amended to read as follows:

372.365 1. For the purposes of the sales tax [, the] *:*

(a) The return must show the gross receipts of the seller during the preceding reporting period.

(b) The gross receipts must be segregated and reported separately for each county to which a sale of tangible personal property pertains.

(c) A sale pertains to the county in this state in which the tangible personal property is or will be delivered to the purchaser or his agent or designee.

2. For purposes of the use tax [, in] *:*

(a) In the case of a return filed by a retailer, the return must show the total sales price of the property sold by him, the storage, use or consumption of which property became subject to the use tax during the preceding reporting period.

[2.] *(b) The gross receipts must be segregated and reported separately for each county to which a sale of tangible personal property pertains.*

(c) If the property was brought into this state by the purchaser or his agent or designee, the sale pertains to the county in this state in which the property is or will be first used, stored or otherwise consumed. Otherwise, the sale pertains to the county in this state in which the property was delivered to the purchaser or his agent or designee.

3. In case of a return filed by a purchaser, the return must show the total sales price of the property purchased by him, the storage, use or consumption of which became subject to the use tax during the preceding reporting period [.

3.] *and indicate the county in this state in which the property was first used, stored or consumed.*

4. The return must also show the amount of the taxes for the period covered by the return and such other information as the department deems necessary for the proper administration of this chapter.

5. Except as otherwise provided in subsection 6, upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty of three times the amount of the tax which was not reported or was reported for the wrong county or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of five times the amount of the tax which was not reported or was reported for the wrong county or $5,000, whichever is less.

6. For the purposes of subsection 5, if the first violation of this section by any retailer was determined by the department through an audit which covered more than one return of the retailer, the department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection 5.

Sec. 3. NRS 374.370 is hereby amended to read as follows:

374.370 1. For the purposes of the sales tax [, the return shall] *:*

(a) The return must show the gross receipts of the seller during the preceding reporting period.

(b) The gross receipts must be segregated and reported separately for each county to which a sale of tangible personal property pertains.

(c) A sale pertains to the county in this state in which the tangible personal property is or will be delivered to the purchaser or his agent or designee.

2. For purposes of the use tax [, in] *:*

(a) In the case of a return filed by a retailer, the return [shall] *must* show the total sales price of the property sold by him, the storage, use or consumption of which property became subject to the use tax during the preceding reporting period.

[2.] *(b) The gross receipts must be segregated and reported separately for each county to which a sale of tangible personal property pertains.*

(c) If the property was brought into this state by the purchaser or his agent or designee, the sale pertains to the county in this state in which the property is or will be first used, stored or otherwise consumed. Otherwise, the sale pertains to the county in this state in which the property was delivered to the purchaser or his agent or designee.

3. In case of a return filed by a purchaser, the return [shall] *must* show the total sales price of the property purchased by him, the storage, use or consumption of which became subject to the use tax during the preceding reporting period [.

3.] *and indicate the county in this state in which the property was first used, stored or consumed.*

4. The return [shall] *must* also show the amount of the taxes for the period covered by the return and such other information as the department deems necessary for the proper administration of this chapter.

5. Except as otherwise provided in subsection 6, upon determining that a retailer has filed a return which contains one or more violations of the provisions of this section, the department shall:

(a) For the first return of any retailer which contains one or more violations, issue a letter of warning to the retailer which provides an explanation of the violation or violations contained in the return.

(b) For the first or second return, other than a return described in paragraph (a), in any calendar year which contains one or more violations, assess a penalty of three times the amount of the tax which was not reported or was reported for the wrong county or $1,000, whichever is less.

(c) For the third and each subsequent return in any calendar year which contains one or more violations, assess a penalty of five times the amount of the tax which was not reported or was reported for the wrong county or $5,000, whichever is less.

6. For the purposes of subsection 5, if the first violation of this section by any retailer was determined by the department through an audit which covered more than one return of the retailer, the department shall treat all returns which were determined through the same audit to contain a violation or violations in the manner provided in paragraph (a) of subsection 5.".

Amend sec. 6, page 3, line 23, by deleting: "July 1, 1995." and inserting: "January 1, 1996.".

Assemblyman Stroth moved the adoption of the amendment.

Remarks by Assemblyman Stroth.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 472.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 700.

Amend section 1, page 1, line 11, by deleting "*of obtaining*" and inserting: "*a seller may use to obtain*".

Amend section 1, page 1, line 17, by deleting "15" and inserting "[15] *18*".

Amend section 1, page 2, line 7, by deleting "15" and inserting "[15] *18*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. This act becomes effective on January 1, 1996.".

Assemblyman Schneider moved the adoption of the amendment.

Remarks by Assemblyman Schneider.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 561.

Bill read second time.

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

Amendment No. 596.

Amend section 1, page 2, line 4, after "*state,*" by inserting: "*except as otherwise provided in section 14 of this act and*".

Amend section 1, page 2, line 7, after "*state,*" by inserting: "*except as otherwise provided in section 14 of this act and*".

Amend section 1, page 2, line 8, after "*inclusive.*" by inserting: "*The state treasurer shall issue such an obligation as soon as practicable after receiving a request from a state agency for the issuance of the obligation.*".

Amend sec. 2, page 2, line 11, by deleting "*Any*" and inserting: "*Except for bonds issued by the Colorado River commission which are additionally supported by pledged revenues of a project, any*".

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

"Sec. 14. Chapter 538 of NRS is hereby amended by adding thereto a new section to read as follows:

Before issuing any general obligation which the commission is authorized by law to issue on behalf and in the name of the State of Nevada, the commission shall consult the state treasurer. The chairman of the commission and the state treasurer shall jointly represent the State of Nevada in matters concerning any nationally recognized bond credit rating agency for the purposes of the issuance of any such obligation.

Sec. 15. NRS 538.041 is hereby amended to read as follows:

538.041 As used in NRS 538.041 to 538.251, inclusive [:] *, and section 14 of this act:*

1. "Commission" means the Colorado River commission.

2. "Commissioner" means a commissioner of the Colorado River commission.

3. "Director" means the director of the Colorado River commission.".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 604.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 669.

Amend section 1, page 1, line 21, after "*a defendant,*" by inserting: "*if the court finds that the defendant is suitable to perform supervised work for the benefit of the community,*".

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the title of the bill to read as follows:

"An Act relating to indigents; providing that a court may allow an indigent defendant to perform community service to pay for expenses incurred in defending him; and providing other matters properly relating thereto.".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 104.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 664.

Amend section 1, page 1, by deleting lines 18 through 21 and inserting:

"*354.59811. The limit upon the calculated receipts from the tax may be exceeded pursuant to a vote of the people as provided in NRS 354.5982.*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 153.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 808.

Amend sec. 4, page 2, line 41, by deleting "$4,000,000" and inserting "[$4,000,000] *$2,000,000*".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 202.

Bill read second time and ordered to third reading.

Senate Bill No. 220.

Bill read second time and ordered to third reading.

Senate Bill No. 221.

Bill read second time and ordered to third reading.

Senate Bill No. 222.

Bill read second time and ordered to third reading.

Senate Bill No. 469.

Bill read second time and ordered to third reading.

Senate Bill No. 465.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 7, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 362.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 11.

MARY JO MONGELLI

Assistant Secretary of the Senate

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Marvel moved that the Assembly do not recede from its action on Senate Bill No. 149, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Marvel.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Chowning, Allard and Price as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 149.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 24.

The following Senate amendment was read:

Amendment No. 555.

Amend the resolution, page 2, line 4, by deleting "$42,208;" and inserting "$42,913;".

Amend the resolution, page 2, by deleting lines 5 and 6, and inserting:

"2. Reduce the sum of money authorized for the Valley of Fire State Park by $30;".

Amend the resolution, page 2, line 8, by deleting "$42,231;" and inserting "$50,769;".

Amend the resolution, page 2, line 10, by deleting "$27,667;" and inserting "$28,213;".

Amend the resolution, page 2, line 12, by deleting "$23,731;" and inserting "$31,990;".

Amend the resolution, page 2, line 14, by deleting "$28,977;" and inserting "$12,950;".

Amend the resolution, page 2, line 16, by deleting "$8,081;" and inserting "$3,611;".

Amend the resolution, page 2, by deleting lines 17 and 18.

Amend the resolution, page 2, line 19, by deleting "9." and inserting "8.".

Amend the resolution, page 2, line 20, by deleting "$2,962;" and inserting "$1,324;".

Amend the resolution, page 2, line 21, by deleting "10." and inserting "9.".

Amend the resolution, page 2, line 22, by deleting "$15,311;" and inserting "$6,842;".

Amend the resolution, page 2, line 23, by deleting "11." and inserting "10.".

Amend the resolution, page 2, line 24, by deleting "$129,875;" and inserting "$129,188;".

Amend the resolution, page 2, between lines 25 and 26, by inserting:

"RESOLVED, That the sums of money which were allocated to the Department of Wildlife from the issuance of general obligation bonds pursuant to chapter 785, Statutes of Nevada 1989, and which were previously authorized by the Interim Finance Committee for expenditure for purposes related to the development of facilities or the improvement of existing fish and wildlife habitats in this state, be adjusted as follows:

1. Reduce the sum of money authorized for the development of the North Pond Dike at Mason Valley by $50,500; and

2. Increase the sum of money authorized for the Cold Spring Reservoir by $50,500;

and be it further".

Amend the resolution, page 2, line 27, after "Parks" by inserting: "and the Administrator of the Division of Wildlife".

Amend the preamble of the resolution, page 1, line 8, after "Resources" by inserting: "and to the Department of Wildlife, now known as the Division of Wildlife of the State Department of Conservation and Natural Resources,".

Amend the preamble of the resolution, page 1, line 14, after "Resources" by inserting: "and the Director of the Department of Wildlife, now referred to as the Administrator of the Division of Wildlife of the State Department of Conservation and Natural Resources,".

Amend the preamble of the resolution, page 1, line 15, by deleting "he" and inserting: "either of those persons".

Amend the preamble of the resolution, page 1, line 18, after "Parks" by inserting: "and the Administrator of the Division of Wildlife".

Amend the preamble of the resolution, page 1, line 19, by deleting "has" and inserting "have".

Amend the preamble of the resolution, page 1, line 21, after "Parks" by inserting: "and to the Department of Wildlife".

Assemblyman Marvel moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 24.

Remarks by Assemblyman Marvel.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 395.

The following Senate amendment was read:

Amendment No. 634.

Amend section 1, page 2, line 23, after "*shall*" by inserting: ", *if possible,*".

Amend section 1, page 2, by deleting lines 34 and 35 and inserting: "*In such a case, if it is not possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies to both parties. If it is possible for the court to determine which party is the primary physical aggressor, the presumption created pursuant to subsection 5 applies only to the party determined by the court to be the primary physical aggressor.*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 395.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 11.

Assemblyman Perkins moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 362.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 36; Senate Bills Nos. 359, 410.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Braunlin, the privilege of the floor of the Assembly Chamber for this day was extended to Merle Merritt.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, June 8, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 1:02 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-FOURTH DAY

CARSON CITY (Thursday), June 8, 1995

Assembly called to order at 11:13 a.m.

Mr. Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Gebbeken.

Heavenly Father: We come to You today, like so many other days before, asking for a blessing on the work we are to do. We ask for each member of this body to be united as one, for one purpose under Your Name. We ask for protection for our families until we can safely come home to them and for strength to complete the tasks given to us. For it is in His Holy Name, we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 658, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 433, 532, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 265, 357, 370, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was re-referred Assembly Bill No. 580, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 7, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 254, 354.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 135, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 12, 14, 30.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 155, 186.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 189.

MARY JO MONGELLI
Assistant Secretary of the Senate

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, NEVADA 89710

June 7, 1995

THE HONORABLE JOSEPH DINI and THE HONORABLE LYNN HETTRICK, *Speakers*, Nevada State Assembly, Legislative Building, Carson City, Nevada 89710

DEAR ASSEMBLYMAN DINI and ASSEMBLYMAN HETTRICK:

I am herewith forwarding to you, for filing within the constitutional time limit, and without my approval, Assembly Bill 214, entitled:

An act relating to administrative regulations; authorizing the legislature to reject proposed administrative regulations under certain circumstances; and providing other matters properly relating thereto.

This bill violates the constitutional doctrine of separation of powers. *See* Nev. Const. Article 3, Section 1; *Galloway v. Truesdell*, 83 Nev. 13 (1967) [separation of powers]; *Roberts v. State of Nevada*, 104 Nev. 33 (1988) [legislative veto held unconstitutional by District Court]; *A-NLV Cab Co. v. State*, 108 Nev. 92 (1992) [opinion of individual legislators impermissible to determine legislative intent]. The bill also provides an unwarranted intrusion in the orderly conduct of business of the State.

Sincerely,

BOB MILLER
Governor

SPECIAL ORDERS OF THE DAY

Assemblyman Ernaut moved that vetoed Assembly Bill No. 214 of the 68th Session be made a Special Order of Business for Wednesday, June 14, 1995, at 11:30 a.m.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bills Nos. 212, 217, 252, 414, 450, 472, 561, 604; Senate Bills Nos. 104, 153 be placed at the top of the General File.

Motion carried.

Roll call on Assembly Bill No. 450:

YEAS—42.

NAYS—None.

Assembly Bill No. 450 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 472.

Bill read third time.

Remarks by Assemblyman Schneider.

Potential conflicts of interest declared by Assemblymen Fettic, Chowning, Price and Carpenter.

Roll call on Assembly Bill No. 472:

YEAS—42.

NAYS—None.

Assembly Bill No. 472 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 561.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 561:

YEAS—42.

NAYS—None.

Assembly Bill No. 561 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 604.

Bill read third time.

Remarks by Assemblymen Sandoval, Goldwater, Freeman and Bache.

Roll call on Assembly Bill No. 604:

YEAS—41.

NAYS—Bache.

Assembly Bill No. 604 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bills Nos. 104, 153, 202, 220, 221, 222, 465, 469 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 491.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 806.

Amend section 1, page 1, line 2, by deleting: "2 and 3" and inserting: "2, 3 and 3.5".

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

"Sec. 3.5. *1. Except as otherwise provided in subsection 2:*

(a) If the bureau proposes to deny, suspend or revoke a license for a child care facility or impose any sanction prescribed by section 2 of this act, the bureau shall afford reasonable notice to all parties by certified mail. The notice must contain the legal authority, jurisdiction and reasons for the proposed action.

(b) The aggrieved person may file with the chief a request for a hearing on the matter within 10 calendar days after receipt of the notice required by paragraph (a).

(c) The chief shall hold such a hearing within 30 calendar days after receipt of the request for a hearing pursuant to paragraph (b).

(d) Notice of the hearing must be given to the aggrieved person no less than 5 days before the date set for the hearing.

2. Subsection 1 does not apply to a proposed action of the bureau if the bureau determines that the action must be taken immediately to protect the public health or safety.".

Amend sec. 5, page 2, by deleting lines 26 and 27 and inserting: "issued pursuant to NRS 432A.131 to 432A.220, inclusive, *and sections 2, 3 and 3.5 of this act,* is guilty of a misdemeanor.".

Amend the title of the bill, second line, after "regulations;" by inserting: "revising the procedure for the imposition of administrative sanctions against child care facilities;".

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

"Summary—Revises provisions governing imposition of administrative sanctions against child care facilities and revises restrictions upon smoking of".

Assemblyman Steel moved the adoption of the amendment.

Remarks by Assemblyman Steel.

Amendment adopted.

The following amendment was proposed by Assemblyman Freeman:

Amendment No. 817.

Amend sec. 6, pages 2 and 3, by deleting lines 29 through 47 on page 2 and lines 1 through 32 on page 3, and inserting:

"202.2491 1. Except as otherwise provided in subsections 5 and 6, the smoking of tobacco in any form is prohibited [if done] in any:

(a) Public elevator.

(b) Public building.

(c) Public waiting room, lobby or hallway of any:

(1) Medical facility or facility for the dependent as defined in chapter 449 of NRS; or

(2) Office of any chiropractor, dentist, physical therapist, physician, podiatric physician, psychologist, optician, optometrist, doctor of Oriental medicine or doctor of acupuncture.

(d) Hotel or motel when so designated by the operator thereof.

(e) Public area of a store principally devoted to the sale of food for human consumption off the premises, except in those areas leased to or operated by a person licensed pursuant to NRS 463.160.

(f) Child care facility.

(g) Bus used by the general public, other than a chartered bus, or in any maintenance facility or office associated with a bus system operated by any regional transportation commission.

(h) School bus.

2. The person in control of an area listed in paragraph (c), (d), (e) [, (f)] or (g) of subsection 1:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) May designate separate rooms or portions of the area which may be used for smoking.

3. The person in control of a public building:

(a) Shall post in the area signs prohibiting smoking in any place not designated for that purpose as provided in paragraph (b).

(b) Shall, except as otherwise provided in this subsection, designate a separate area which may be used for smoking.

A school district which prohibits the use of tobacco by pupils need not designate an area which may be used by the pupils to smoke.

4. The operator of a restaurant with a seating capacity of 50 or more shall maintain a flexible nonsmoking area within the restaurant and offer each patron the opportunity to be seated in a smoking or nonsmoking area.

5. A business which derives more than 50 percent of its gross receipts from the sale of alcoholic beverages or 50 percent of its gross receipts from gaming operations may be designated as a smoking area in its entirety by the operator of the business.

6. The smoking of tobacco is not prohibited in:

(a) Any room or area designated for smoking pursuant to paragraph (b) of subsection 2 or paragraph (b) of subsection 3.

(b) A licensed gaming establishment. A licensed gaming establishment may designate separate rooms or areas within the establishment which may or may not be used for smoking.

7. [The person in control of a child care facility shall not allow children in any room or area he designates for smoking pursuant to paragraph (b) of subsection 2. Any such room or area must be sufficiently separate or ventilated so that there are no irritating or toxic effects of smoke in the other areas of the facility.

8.] As used in this section:''.

Amend the title of the bill by deleting the third and fourth lines and inserting: ''revising the restrictions upon the smoking of tobacco in child care facilities; and providing other matters properly relating thereto.''.

Amend the summary of the bill by deleting the third line and inserting: ''tobacco in child care facilities. (BDR 38-160)''.

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:01 p.m.

ASSEMBLY IN SESSION

At 12:38 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SAUNDRA KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 152, 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 231, 629; Senate Bill No. 334, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 317, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 258, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 530, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

THOMAS BATTEN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 530, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 628, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 402, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 537, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN CARPENTER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bills Nos. 152, 231, 258, 405, 433, 498, 530, 532, 537, 580, 628, 629; Senate Bills Nos. 265, 334, 357, 370, 402 be placed on the Second Reading File.

Motion carried.

Assemblyman Ernaut moved that Assembly Bill No. 317 be placed on the General File.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 120 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 152.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 659.

Amend section 1, page 1, line 2, by deleting "10," and inserting "8,".

Amend sec. 2, page 1, line 3, by deleting "*10,*" and inserting "*8,*".

Amend sec. 2, page 1, by deleting lines 5 through 8 and inserting:

"*1. "Assessments" means:*

(a) Any charge which an association may impose against an owner of residential property pursuant to a declaration of covenants, conditions and restrictions, including any late charges, interest and costs of collecting the charges; and

(b) Any fines, fees and other charges which may be imposed by an association pursuant to paragraphs (j), (k) and (l) of subsection 1 of NRS 116.3102.

2. "Association" has the meaning ascribed to it in NRS 116.110315.

3. "Civil action" includes an action for money damages or equitable relief. The term does not include an action in equity for injunctive relief in which there is an immediate threat of irreparable harm, or an action relating to the title to residential property.

4. "Division" means the real estate division of the department of business and industry.

5. "Residential property" includes, but is not limited to, real estate within".

Amend sec. 3, page 1, line 14, by deleting "*property;*" and inserting: "*property or any bylaws, rules or regulations adopted by an association;*".

Amend sec. 3, page 1, line 15, by deleting: "*An increase or imposition of*" and inserting: "*The procedures used for increasing, decreasing or imposing*".

Amend sec. 3, page 1, line 17, by deleting: "*a district court*" and inserting: "*any court in this state*".

Amend sec. 3, page 1, line 18, by deleting "*10,*" and inserting "*8,*".

Amend sec. 3, page 1, by deleting line 19 and inserting: "*act and, if the civil action concerns real estate within a planned community subject to the provisions of chapter 116 of NRS, all administrative procedures specified in any covenants, conditions or restrictions applicable to the property or in any bylaws, rules and regulations of an association have been exhausted.*".

Amend sec. 3, page 1, line 20, by deleting "*district*".

Amend the bill as a whole by deleting sections 4 through 11 and adding new sections designated sections 4 through 10, following sec. 3, to read as follows:

"Sec. 4. *1. Any civil action described in section 3 of this act must be submitted for mediation or arbitration by filing a written claim with the division. The claim must include:*

(a) The complete names, addresses and telephone numbers of all parties to the claim;

(b) A specific statement of the nature of the claim;

(c) A statement of whether the person wishes to have the claim submitted to a mediator or to an arbitrator. If the person wishes to have the claim submitted to an arbitrator, whether he agrees to binding arbitration; and

(d) Such other information as the division may require.

2. The written claim must be accompanied by a reasonable fee as determined by the division.

3. Upon the filing of the written claim, the claimant shall serve a copy of the claim in the manner prescribed in Rule 4 of the Nevada Rules of Civil

Procedure for the service of a summons and complaint. The claim so served must be accompanied by a statement explaining the procedures for mediation and arbitration set forth in sections 2 to 8, inclusive, of this act.

4. Upon being served pursuant to subsection 3, the person upon whom a copy of the written claim was served shall, within 30 days after the date of service, file a written answer with the division. The answer must be accompanied by a reasonable fee as determined by the division.

Sec. 5. *1. If all parties named in a written claim filed pursuant to section 4 of this act agree to have the claim submitted for mediation, the parties shall reduce the agreement to writing and shall select a mediator from the list of mediators maintained by the division pursuant to section 6 of this act. Any mediator selected must be available within the geographic area. If the parties fail to agree upon a mediator, the division shall appoint a mediator from the list of mediators maintained by the division. Any mediator appointed must be available within the geographic area. Unless otherwise provided by an agreement of the parties, mediation must be completed within 90 days after the parties agree to mediation. Any agreement obtained through mediation conducted pursuant to this section must, within 30 days after the conclusion of mediation, be reduced to writing by the mediator and a copy thereof provided to each party. The agreement may be enforced as any other written agreement. The parties are responsible for all costs of mediation conducted pursuant to this section.*

2. If all the parties named in the claim do not agree to mediation, the parties shall select an arbitrator from the list of arbitrators maintained by the division pursuant to section 6 of this act. Any arbitrator selected must be available within the geographic area. If the parties fail to agree upon an arbitrator, the division shall appoint an arbitrator from the list maintained by the division. Any arbitrator appointed must be available within the geographic area. Upon appointing an arbitrator, the division shall provide the name of the arbitrator to each party.

3. Except as otherwise provided in this section and except where inconsistent with the provisions of sections 2 to 8, inclusive, of this act, the arbitration of a claim pursuant to this section must be conducted in accordance with the provisions of NRS 38.075 to 38.105, inclusive, 38.115 to 38.135, inclusive, 38.155 and 38.165. An award must be made within 90 days after the conclusion of arbitration, unless a shorter period is agreed upon by the parties to the arbitration.

4. If all the parties have agreed to nonbinding arbitration, any party to the arbitration may, within 30 days after a decision and award have been served upon the parties, commence a civil action in the proper court concerning the claim which was submitted for arbitration. Any complaint filed in such an action must contain a sworn statement indicating that the issues addressed in the complaint have been arbitrated pursuant to the provisions of sections 2 to 8, inclusive, of this act. If such an action is not commenced within that period, any party to the arbitration may, within 1 year after the service of the award, apply to the proper court for a confirmation of the award pursuant to NRS 38.135.

5. If all the parties agree in writing to binding arbitration, the arbitration must be conducted in accordance with the provisions of chapter 38 of NRS. An award procured pursuant to such arbitration may be vacated and a rehearing granted upon application of a party pursuant to the provisions of NRS 38.145.

6. If after the conclusion of arbitration a party:

(a) Applies to have an award vacated and a rehearing granted pursuant to NRS 38.145; or

(b) Commences a civil action based upon any claim which was the subject of arbitration,

the party shall, if he fails to obtain a more favorable award or judgment than that which was obtained in the initial arbitration, pay all costs and reasonable attorney's fees incurred by the opposing party after the application for a rehearing was made or after the complaint in the civil action was filed.

7. As used in this section, "geographic area" means an area within 150 miles from any residential property or association which is the subject of a written claim submitted pursuant to section 4 of this act.

Sec. 6. *For the purposes of sections 2 to 8, inclusive, of this act, the division shall establish and maintain:*

1. A list of mediators and arbitrators who are available for mediation and arbitration of claims. The list must include mediators and arbitrators who, as determined by the division, have received training and experience in mediation and arbitration and in the resolution of disputes concerning associations, including, without limitation, the interpretation, application and enforcement of covenants, conditions and restrictions pertaining to residential property and the articles of incorporation, bylaws, rules and regulations of an association. In establishing and maintaining the list, the division may use lists of qualified persons maintained by the American Arbitration Association, the Nevada Arbitration Association or any other organization which provides similar services. Before including a mediator or arbitrator on a list established and maintained pursuant to this section, the division may require the mediator or arbitrator to present proof satisfactory to the division that he has received the training and experience required for mediators and arbitrators pursuant to this section.

2. A document which contains a written explanation of the procedures for mediating and arbitrating claims pursuant to sections 2 to 8, inclusive, of this act.

Sec. 7. *Any statute of limitations applicable to a claim described in section 3 of this act is tolled from the time the claim is submitted for mediation or arbitration pursuant to section 4 of this act until the conclusion of mediation or arbitration of the claim and the period for vacating the award has expired.*

Sec. 8. *1. The division shall administer the provisions of sections 2 to 8, inclusive, of this act and may adopt such regulations as are necessary to carry out those provisions.*

2. All fees collected by the division pursuant to the provisions of sections 2 to 8, inclusive, of this act must be accounted for separately and may only be used by the division to administer the provisions of sections 2 to 8, inclusive, of this act.

Sec. 9. NRS 38.250 is hereby amended to read as follows:

38.250 *Except as otherwise provided in section 3 of this act:*

1. All civil actions filed in district court for damages, if the cause of action arises in the State of Nevada and the amount in issue does not exceed $25,000 must be submitted to nonbinding arbitration in accordance with the provisions of NRS 38.253, 38.255 and 38.258.

2. A civil action for damages filed in justice's court may be submitted to arbitration if the parties agree, orally or in writing, to the submission.

Sec. 10. NRS 116.4110 is hereby amended to read as follows:

116.4110 1. Except as otherwise provided in [subsection 2,] *subsections 2 and 3,* a deposit made in connection with the purchase or reservation of a unit from a person required to deliver a public offering statement pursuant to subsection 3 of NRS 116.4102 must be placed in escrow and held either in this state or in the state where the unit is located in an account designated solely for that purpose by a licensed title insurance company, an independent bonded escrow company, or an institution whose accounts are insured by a governmental agency or instrumentality until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit;

(c) Released to the declarant for an additional item, improvement, optional item or alteration, but the amount so released:

(1) Must not exceed the lesser of the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for the purpose; and

(2) Must be credited upon the purchase price; or

(d) Refunded to the purchaser.

2. A deposit or advance payment made for an additional item, improvement, optional item or alteration may be deposited in escrow or delivered directly to the declarant, as the parties may contract.

3. In lieu of placing a deposit in escrow pursuant to subsection 1, the declarant may furnish a bond executed by him as principal and by a corporation qualified under the laws of this state as surety, payable to the State of Nevada, and conditioned upon the performance of the declarant's duties concerning the purchase or reservation of a unit. Each bond must be in a principal sum equal to the amount of the deposit. The bond must be held until:

(a) Delivered to the declarant at closing;

(b) Delivered to the declarant because of the purchaser's default under a contract to purchase the unit; or

(c) Released to the declarant for an additional item, improvement, optional item or alteration.".

Amend the title of the bill, first line, after "the arbitration" by inserting "or mediation".

Amend the summary of the bill, first line, after "arbitration" by inserting "or mediation".

Assemblyman Schneider moved the adoption of the amendment.

Remarks by Assemblyman Schneider.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 231.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 258.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 760.

Amend section 1, page 1, line 10, after "*numbers, and*" by inserting: "*except as otherwise provided in subsections 3 and 4,*".

Amend section 1, page 1, between lines 12 and 13, by inserting:

"*3. Except as otherwise provided in subsection 4, the department shall, upon the request of an applicant, substitute for the seal of the branch of the Armed Forces of the United States the emblem or other insigne of the specific military unit to which the applicant was assigned if:*

(a) The military unit is a recognized unit within the particular branch of the Armed Forces of the United States; and

(b) At least 250 applicants request the substitution of that emblem or insigne.

4. The director may use or imitate a seal, emblem or other insigne of a branch, or unit within that branch, of the Armed Forces of the United States only if that use or imitation complies with the provisions of 10 U.S.C. § 1057, as that section existed on October 1, 1995.".

Amend section 1, page 1, line 13, by deleting "*3.*" and inserting "*5.*".

Amend section 1, page 1, line 16, by deleting "*4.*" and inserting "*6.*".

Amend section 1, page 2, by deleting line 3 and inserting: "*7. The department shall deposit the fees collected pursuant to subsection 6*".

Amend section 1, page 2, line 12, by deleting "*6.*" and inserting "*8.*".

Amend section 1, page 2, line 20, by deleting "*7.*" and inserting "*9.*".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 405.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 530.

Amend sec. 3, page 1, lines 11 and 12 by deleting: "*to:*

1. Law" and inserting "*to law*".

Amend sec. 3, page 1, by deleting lines 15 through 18.

Amend sec. 4, page 1, line 23, after "*image,*" by inserting "*electronic representation,*".

Amend sec. 4, page 2, between lines 8 and 9, by inserting:

"*4. "Sexual portrayal" means the depiction of a person in a manner which appeals to the prurient interest in sex.*".

Amend the bill as a whole by renumbering sections 5 through 16 as sections 7 through 18 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

"Sec. 5. NRS 200.710 is hereby amended to read as follows:

200.710 *1.* A person who knowingly uses, encourages, entices or permits a minor to simulate or engage in or assist others to simulate or engage in sexual conduct to produce a performance shall be punished as provided in NRS 200.750.

2. A person who knowingly uses, encourages, entices or permits a minor to be the subject of a sexual portrayal in a performance shall be punished as provided in NRS 200.750, regardless of whether the minor is aware that the sexual portrayal is part of a performance.

Sec. 6. NRS 200.720 is hereby amended to read as follows:

200.720 A person who knowingly promotes a performance of a minor [where he] *:*

1. Where the minor engages in or simulates, or assists others to engage in or simulate, sexual conduct *; or*

2. Where the minor is the subject of a sexual portrayal,

shall be punished as provided in NRS 200.750.".

Amend sec. 5, page 2, by deleting line 12 and inserting: "person under the age of 16 years *as the subject of a sexual portrayal or* engaging in or simulating, or assisting".

Amend sec. 5, page 2, line 13, by deleting the bracket.

Amend sec. 5, page 2, line 14, by deleting "is guilty of a gross misdemeanor." and inserting: "[is guilty of a gross misdemeanor.] *shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years and may be further punished by a fine of not more than $5,000.*".

Amend sec. 5, page 2, line 15, by deleting the bracket.

Amend sec. 6, page 2, line 19, by deleting "[to]".

Amend sec. 6, page 2, lines 20 and 21, by deleting: "*act:*

1. To" and inserting "*act,* to".

Amend sec. 6, page 2, line 22, by deleting "[1.] *(a)*" and inserting "1.".

Amend sec. 6, page 2, line 23, by deleting "[2.] *(b)*" and inserting "2.".

Amend sec. 6, page 2, line 24, by deleting "[3.] *(c)*" and inserting "3.".

Amend sec. 6, page 2, line 26, by deleting "[4.] *(d)*" and inserting "4.".

Amend sec. 6, page 2, line 28, by deleting "[5.] *(e)*" and inserting "5.".

Amend sec. 6, page 2, by deleting line 30.

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 433.

Bill read second time.

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

Amendment No. 697.

Amend section 1, page 1, by deleting lines 3 through 7 and inserting: "county commissioners [to serve] *may appoint a county surveyor who serves* at the pleasure of the board [.] *to perform surveying.*".

Amend sec. 2, page 1, line 10, by deleting "*or employed*".

Amend sec. 3, page 1, by deleting lines 14 through 17 and inserting:

"255.060 1. The board of county commissioners shall [allow] *pay* to each county surveyor *appointed pursuant to NRS 255.020:*

(a) A salary set by the board; or

(b) In lieu of a salary, fair and reasonable compensation [, in lieu of salary,] in connection with".

Amend sec. 3, pages 1 and 2, by deleting lines 21 through 23 on page 1 and lines 1 through 9 on page 2 and inserting:

"2. The county surveyor [shall be] *is* entitled to receive, in addition to the *salary or* compensation allowed by subsection 1, mileage for transportation necessary [in making any survey ordered by the board of county commissioners,] *to fulfill his duties,* at the rate for such mileage as [shall be] *is* provided by law to be".

Amend sec. 3, page 2, by deleting lines 11 and 12 and inserting:

"3. [The] *Except when the county surveyor is paid a salary, the* county".

Amend the title of the bill to read as follows:

"An Act relating to county surveyors; expanding the services which may be assigned to county surveyors; revising the provisions regarding the compensation of a county surveyor; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "employment" and inserting "appointment".

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblyman Neighbors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 498.

Bill read second time.

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

Amendment No. 687.

Amend section 1, page 1, line 2, by deleting "and 3" and inserting: "to 8, inclusive,".

Amend the bill as a whole by deleting sec. 2, renumbering sec. 3 as sec. 8 and adding new sections designated sections 2 through 7, following section 1, to read as follows:

"Sec. 2. *"Association's administrator" means a person who is employed by or has contracted with the board of trustees of an association of self-insured public or private employers to carry out the policies of the board of trustees and to be responsible for the daily operation of the association.*

Sec. 3. *"Solicitor" means a person who:*

1. Forms or proposes to form; or

2. Proposes to secure funds for forming or financing or recruiting members for,

an association of public or private self-insured employers.

Sec. 4. *1. Except as otherwise provided in this section, a person shall not advertise or offer for sale in this state any policies or memberships or solicit or receive any money, subscriptions, applications, premiums, assessments, memberships or any other fee or charge in connection with a proposed association of self-insured public or private employers unless he has obtained a solicitor's permit from the commissioner.*

2. To obtain a solicitor's permit, a person must file a written application with the commissioner. The application must include:

(a) The name, type and purposes of the association formed or proposed to be formed or financed;

(b) The name, residential address, business, professional or employment experience for the preceding 10 years and qualifications of each person associated or to be associated as director, promoter, manager, member of the board or in other similar capacity in the association, or in the formation of the proposed association or in the proposed financing, together with the fingerprints of each person so associated or to be associated, on forms furnished by the commissioner;

(c) A full disclosure of the terms of all pertinent understandings and agreements existing or proposed among any persons or entities so associated or to be associated, and a copy of each such agreement;

(d) A copy of the articles of incorporation and bylaws of a solicitor, if incorporated;

(e) The plan according to which solicitations are to be made and a reasonably detailed estimate of all administrative and sales expenses to be incurred;

(f) A copy of any certificate proposed to be offered, and a copy of any proposed application therefor;

(g) A copy of any prospectus, offering circular, advertising or sales literature or materials proposed to be used;

(h) Proof of an escrow account and agreement for the deposit of all funds collected during the formation of the association; and

(i) Such additional pertinent information as the commissioner may reasonably require.

3. The application must be accompanied by a fee of $500 for the filing of the application and for the issuance of the permit, if granted. A solicitor must submit this fee each year thereafter if he continues to recruit new members for an association.

4. A person who violates subsection 1 shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of $5,000, or by both fine and imprisonment.

5. The provisions of this section do not apply to:

(a) A bona fide trade association that has been in existence for at least 5 years and solicits members of its trade association; or

(b) A person who is employed by:

(1) Current members of an association; or

(2) Employers that are considering membership in an association,

whose primary duties do not include solicitation of potential members of the association.

Sec. 5. *1. After the filing of an application for a solicitor's permit, the commissioner shall promptly cause an investigation to be made of:*

(a) The identity, character, reputation, experience, financial standing and motives of the persons proposing to organize, promote or finance the association of self-insured public or private employers;

(b) The character, financial responsibility, management experience and business qualifications of the officers, directors and managers of the existing or proposed association; and

(c) Any other aspects of the solicitor, association or proposed financing as the commissioner deems advisable.

2. The commissioner shall expeditiously examine an application for a solicitor's permit and complete the investigation required pursuant to subsection 1. Except as otherwise provided in subsection 3, if the commissioner finds after performing an examination and investigation that:

(a) The application is complete and the applicable fee has been paid;

(b) The documents filed with the application are proper in form; and

(c) The proposed financing is reasonable and adequate in amount for the purposes intended and the applicant is otherwise entitled to the permit,

he shall issue a permit to the applicant.

3. If the commissioner does not so find, or finds that:

(a) The applicant is not competent, trustworthy, financially responsible or of good personal and business reputation;

(b) Any of the persons associated or to be associated with the association are not of good reputation as to business affairs or financial responsibility; or

(c) There is material variance, adverse to the applicant, as between the information furnished by the applicant in connection with the application and that determined by the commissioner on investigation,

he shall give notice to the applicant that a permit will not be granted, stating the particulars of the grounds for the denial. The commissioner shall not refund the fee for the filing of the application.

Sec. 6. *1. The commissioner may suspend or revoke a solicitor's permit if he reasonably believes that:*

(a) A violation of chapter 616 or 617 of NRS or Title 57 of NRS or the terms of the permit or any proper order of the commissioner has occurred; or

(b) A material misrepresentation in the offering or sale of securities, policies or memberships pursuant to the permit has occurred.

2. If the commissioner suspends or revokes a permit pursuant to subsection 1, he shall expeditiously conduct a hearing, giving the holder of the permit a reasonable opportunity to appear and be heard.

Sec. 7. *A surety or bonding company shall not furnish a bond or any other form of security required by the provisions of this chapter or chapter 617 of NRS for an association of self-insured public or private employers or a member of such an association unless the surety or bonding company holds a certificate of authority issued by the commissioner.*".

Amend the bill as a whole by renumbering sections 4 through 9 as sections 10 through 15 and adding a new section designated sec. 9, following sec. 3, to read as follows:

"Sec. 9. NRS 616.015 is hereby amended to read as follows:

616.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 616.020 to 616.123, inclusive, *and sections 2 and 3 of this act,* have the meanings ascribed to them in those sections.".

Amend sec. 6, page 2, by deleting line 27 and inserting: "of the initial [third-party administrator of the association.] *association's administrator.*".

Amend sec. 6, page 2, by deleting line 35 and inserting:

"(d) A copy of [any] *the* agreements entered into with *the association's administrator and* a third-party administrator .".

Amend sec. 6, page 2, line 41, by deleting "statement," and inserting: "statement [,] *prepared in accordance with generally accepted accounting principles,*".

Amend sec. 6, page 2, line 45, by deleting "*association.*" and inserting: "*association or evidence of the ability of the association or its proposed members to provide a solvency bond pursuant to subsection 3 of NRS 616.37915.*".

Amend sec. 7, page 3, by deleting line 26 and inserting:

"*Nothing in this paragraph prohibits an association from purchasing secondary excess insurance in addition to the excess insurance required by this paragraph.*

(c) [For the first year of self-insurance, collect] *Collect* an *annual* assessment from each".

Amend sec. 7, page 3, line 27, by deleting "amount of" and inserting "amount [of".

Amend sec. 7, page 3, line 30, by deleting "larger." and inserting: "larger.] *which is satisfactory to the commissioner.*".

Amend sec. 7, page 3, line 31, after "deposit" by inserting "*as security*".

Amend sec. 7, page 3, line 44, by deleting "In" and inserting: "[In] *Except as otherwise provided in subsection 3, in*".

Amend sec. 7, page 4, by deleting lines 1 and 2 and inserting:

"3. [Any third-party administrator of the association] *In lieu of complying with the requirements of subsection 2, the association's administrator shall ensure that a solvency bond, in a form prescribed by the commissioner and in an aggregate amount of at least $2,500,000, is deposited with the commissioner by the association or members of the association on behalf of the association.*

4. The association's administrator shall deposit with the commissioner a bond executed by the [third-party administrator] *association's administrator* as principal,".

Amend sec. 7, page 4, by deleting line 6 and inserting:

"[4. Any service company]

5. Any third-party administrator providing claims services for the association".

Amend sec. 7, page 4, line 7, by deleting "service company" and inserting: "[service company] *third-party administrator*".

Amend sec. 7, page 4, line 11, by deleting "5.]" and inserting "[5.] *6.*".

Amend sec. 7, page 4, line 14, by deleting "association [,]" and inserting: "association, *association's administrator*".

Amend sec. 7, page 4, line 16, by deleting "association [,]" and inserting: "association, *association's administrator*".

Amend sec. 7, page 4, line 19, by deleting "*5.*" and inserting "*7.*".

Amend sec. 8, page 4, line 33, after "No" by inserting: "*association's administrator or*".

Amend sec. 8, page 4, line 35, after "with the" by inserting: "*association's administrator or*".

Amend sec. 8, page 4, by deleting lines 44 through 46 and inserting:

"(c) Employ full time [a third-party administrator] *an association's administrator* to carry out the policies of the board of trustees [, provide administrative services and manage claims, unless the association is licensed as a third-party administrator.

(d)] *and perform such duties as the board delegates to him. An association's administrator shall not perform any of the duties assigned to a third-party administrator.*

(d) Employ a third-party administrator to carry out the duties set forth in NRS 616.301.".

Amend sec. 8, page 4, line 47, by deleting "(d)" and inserting "*(e)*".

Amend sec. 8, page 5, line 1, by deleting "(e)" and inserting "[(e)] *(f)*".

Amend sec. 9, page 5, by deleting lines 11 through 13 and inserting:

"616.3793 1. [A service company] *An association's administrator* employed by an association of self-insured public or private employers, or an employee, officer or director of [such a company,] *an association's administrator,* may not *be an employee, officer or director of a third-party administrator employed by the association or* have a direct or indirect financial interest in the".

Amend sec. 9, page 5, by deleting lines 17 through 19 and inserting: "administrator, may not be an employee, officer or director of [a service company] *an association's administrator* employed by the association or have a direct or indirect financial interest in that [service company.] *association's administrator.*".

Amend sec. 9, page 5, line 20, by deleting "3.]" and inserting "3.".

Amend the bill as a whole by renumbering sections 10 through 14 as sections 18 through 22 and adding new sections designated sections 16 and 17, following sec. 9, to read as follows:

"Sec. 16. NRS 616.37935 is hereby amended to read as follows:

616.37935 1. If an employer wishes to become a member of an association of self-insured public or private employers, the employer must:

(a) Submit an application for membership to the board of trustees or third-party administrator of the association; and

(b) Enter into an indemnity agreement as required by NRS 616.37915.

2. The membership of the applicant becomes effective when each member of the association approves the application or on a later date specified by the association. The application for membership and the action taken on the application must be maintained as permanent records of the board of trustees.

3. A member of an association may terminate his membership at any time. *To terminate his membership, a member must submit to the association's administrator a notice of intent to withdraw from the association at least 120 days before the effective date of withdrawal. The association's administrator shall, within 10 days after receipt of the notice, notify the commissioner of the employer's intent to withdraw from the association.*

4. The members of an association may cancel the membership of any member of the association in accordance with the bylaws of the association.

5. The association shall:

(a) Notify the commissioner and the administrator of the termination or cancellation of the membership of any member of the association within 10 days after the termination or cancellation; and

(b) At the expense of the member whose membership is terminated or canceled, maintain coverage for that member for 30 days after notice is given pursuant to paragraph (a), unless the association first receives notice from the administrator that the member has:

(1) Provided and secured compensation according to the terms, conditions and provisions of this chapter for any injury sustained by an employee arising out of and in the course of his employment;

(2) Been certified as a self-insured employer pursuant to NRS 616.293; or

(3) Become a member of another association of self-insured public or private employers.

6. *If a member of an association changes its name or form of organization, the member remains liable for any obligations incurred or any responsibilities imposed pursuant to this chapter and chapter 617 of NRS under its former name or form of organization.*

7. An association is liable for the payment of any compensation required to be paid by a member of the association under this chapter or chapter 617 of NRS during his period of membership. The insolvency or bankruptcy of a member does not relieve the association of liability for the payment of such compensation.

Sec. 17. NRS 616.3798 is hereby amended to read as follows:

616.3798 1. Before any action may be taken pursuant to subsection 2, the commissioner shall arrange an informal meeting with an association of self-insured public or private employers to discuss and seek correction of any conduct which would be grounds for withdrawal of the certificate of the association.

2. [Before] *Except as otherwise provided in subsection 3, before* the withdrawal of the certificate of any association of self-insured public or private employers, the commissioner shall give written notice to the association by certified mail that its certificate will be withdrawn 10 days after receipt of the notice unless, within that time, the association corrects the conduct set forth in the notice as the reason for the withdrawal or submits a written request for a hearing to the commissioner.

3. *The commissioner may grant additional time, not to exceed an additional 120 days, before the withdrawal of the certificate of an association if:*

(a) The grounds for withdrawal of the certificate of the association are based on paragraph (d) of subsection 2 of NRS 616.37977; and

(b) The association is financially sound and capable of fulfilling its commitments.

4. If the association requests a hearing:

(a) The commissioner shall set a date for a hearing within 20 days after receiving the request and give the association at least 10 business days' notice of the time and place of the hearing.

(b) A record of the hearing must be kept, but it need not be transcribed unless requested by the association with the cost of transcription to be charged to the association.

(c) Within 5 business days after the hearing, the commissioner shall either affirm or disaffirm the withdrawal and give the association written notice thereof by certified mail. If withdrawal of certification is affirmed, the withdrawal becomes effective 10 business days after the association receives notice of the affirmance unless within that period the association corrects the conduct which was grounds for the withdrawal or petitions for judicial review of the affirmance.

[4.] *5.* If the withdrawal of certification is affirmed following judicial review, the withdrawal becomes effective 5 days after entry of the final decree of affirmance.''.

Amend sec. 10, page 5, line 28, by deleting: "*2 and 3*" and inserting: "*4 to 8, inclusive,*".

Amend sec. 10, page 5, line 43, by deleting "association [,]" and inserting: "association, *association's administrator*".

Amend sec. 11, page 6, line 4, by deleting: "*2 and 3*" and inserting: "*4 to 8, inclusive,*".

Amend sec. 13, page 6, by deleting lines 9 through 11 and inserting:

"Sec. 21. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.".

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; providing that an association of self-insured public or private employers must consist of employers engaged in the same or similar classifications of employment; requiring an association to employ an association's administrator and a third-party administrator; providing that a person who forms or proposes to form or finance an association must obtain a permit; providing that a surety for an association hold a certificate of authority; requiring a member of an association to provide notification of withdrawal; limiting the ability of an employer to rejoin an association after once leaving an association and returning to the state industrial insurance system; requiring the commissioner of insurance to adopt regulations establishing minimum requirements for members of associations; repealing provisions relating to service companies; providing penalties; and providing other matters properly relating thereto.".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblyman Nolan.

Conflict of interest declared by Assemblyman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 530.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 671.

Amend section 1, page 1, line 3, by deleting "*The*" and inserting "*1. The*".

Amend section 1, page 1, line 4, by deleting "*1.*" and inserting "*(a)*".

Amend section 1, page 1, line 6, by deleting "*2.*" and inserting "*(b)*".

Amend section 1, page 1, line 8, by deleting "*3.*" and inserting "*(c)*".

Amend section 1, page 1, between lines 8 and 9, by inserting:

"*2. The fees collected pursuant to paragraph (b) of subsection 1 must be deposited in the state treasury for credit to the motor vehicle fund and must be allocated to the department to defray the cost of complying with the provisions of this section.*".

Amend sec. 2, page 2, line 10, by deleting "*state,*" and inserting: "*state which is authorized to conduct eye tests,*".

Amend the bill as a whole by deleting sec. 5 and adding new sections designated sections 5 and 6, following sec. 4, to read as follows:

"Sec. 5. 1. There is hereby appropriated from the state highway fund to the department of motor vehicles and public safety the sum of $30,700 to pay the cost of establishing a procedure to allow such persons as the department deems appropriate to renew their respective drivers' licenses by mail pursuant to section 1 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1997, and reverts to the state highway fund as soon as all payments of money committed have been made.

Sec. 6. This act becomes effective on July 1, 1995.".

Amend the title of the bill, fourth line, after "licenses;" by inserting: "making an appropriation;"

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 532.

Bill read second time.

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

Amendment No. 819.

Amend sec. 2, page 1, by deleting lines 7 and 8 and inserting:

"2. *"Governmental body" means any political subdivision of this state and any department, agency or instrumentality of the political subdivision which is authorized to acquire property*".

Amend sec. 4, page 2, by deleting lines 7 through 9 and inserting: "*a result of the acquisition and the services and benefits that will be available to the persons who will be displaced.*".

Amend the bill as a whole by deleting sections 5 and 6 and inserting:

"Secs. 5 and 6. (Deleted by amendment.)".

Amend sec. 7, page 2, line 31, by deleting "*home:*" and inserting: "*home, as a result of its acquisition of property:*".

Amend sec. 8, page 3, line 10, by deleting "*home:*" and inserting: "*home, as a result of its acquisition of property:*".

Amend sec. 8, page 3, line 18, by deleting "*services; and*" and inserting "*services;*".

Amend sec. 8, page 3, line 20, by deleting "*or*" and inserting "*and*".

Amend sec. 8, page 3, between lines 20 and 21, by inserting:

"*(e) Unless the person who was displaced owned the land from which he was displaced, improving the land at the new location to which the mobile home must be moved if the improvements are comparable in nature and scope to the improvements that the displaced person had made to the land at the original location of the mobile home; or*".

Amend sec. 9, page 3, line 24, by deleting "*owns:*" and inserting: "*owns, as a result of its acquisition of property:*".

Amend sec. 9, page 3, line 39, by deleting: "*moving and even*" and inserting "*moving.*".

Amend sec. 9, page 3, by deleting lines 40 and 41.

Amend sec. 12, page 5, by deleting line 28 and inserting:

"*the governmental body shall pay the fair market value of the mobile home or $10,000, whichever is less, to the mobile home owner who will*".

Amend sec. 15, page 6, line 8, by deleting "*domain.*" and inserting: "*domain, unless the person who is being displaced owns and occupies the real property and willingly agrees to the purchase price offered by the governmental body.*".

Amend sec. 15, page 6, between lines 8 and 9 by inserting:

"*3. Sections 2 to 14, inclusive, of this act, do not apply to a governmental body which is subject to the provisions of the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655, and the regulations adopted pursuant thereto.*

4. Notwithstanding the provisions of sections 2 to 14, inclusive, of this act, a governmental body may, if appropriate under the circumstances, pay to a displaced person an amount of benefits that exceeds the amounts set forth in sections 2 to 14, inclusive, of this act.".

Amend sec. 16, page 6, by deleting lines 9 through 12 and inserting:

"Sec. 16. 1. The provisions of subsection 1 of NRS 354.599, do not apply to any additional expenses of a local government which are related to the provisions of this act.".

Amend the title of the bill, second line, by deleting "replace or".

Amend the summary of the bill, first line, by deleting "replace or".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 537.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 639.

Amend sec. 2, page 1, line 6, by deleting "*Title.*" and inserting: "*Title or any regulation adopted pursuant to this Title.*".

Amend sec. 3, page 1, by deleting lines 9 through 12 and inserting: "*against any person convicted of a wildlife violation. The system must be uniform in its operation.*

2. Pursuant to the schedule of demerit points established by regulation by the commission for each wildlife violation occurring within this state affecting any holder of a license or permit issued pursuant to this Title, the division shall assess demerit points for the 60-month period preced-".

Amend sec. 3, page 1, line 13, by deleting "*Forty-eight*" and inserting "*Sixty*".

Amend sec. 3, page 1, lines 17 and 18, by deleting: "*committed on a single occasion*" and inserting: "*committed at a single event*".

Amend sec. 3, page 2, by deleting lines 1 through 5.

Amend sec. 4, pages 2 and 3, by deleting lines 6 through 48 on page 2 and lines 1 through 23 on page 3, and inserting:

"Sec. 4. (Deleted by amendment.)".

Amend sec. 5, page 3, line 29, by deleting "*3*" and inserting "*4*".

Amend sec. 5, page 3, line 30, by deleting "*12*" and inserting "*60*".

Amend sec. 5, page 3, by deleting lines 31 through 33 and inserting: "*for the purpose of reducing his demerit points.*".

Amend sec. 5, pages 3 and 4, by deleting lines 37 through 48 on page 3 and lines 1 and 2 on page 4, and inserting: "*permit issued to him pursuant to this Title.*

3. Not later than 30 days after a person accumulates 12 demerit points, the division shall notify the person".

Amend sec. 5, page 4, line 4, by deleting "*5,*" and inserting "*4,*".

Amend sec. 5, page 4, by deleting line 6 and inserting: "*4. Any person who receives the notice required by subsection 3 may submit*".

Amend sec. 5, page 4, line 7, after "*hearing*" by inserting: "*before the commission*".

Amend sec. 5, page 4, line 11, by deleting "*division*" and inserting "*commission*".

Amend sec. 5, page 4, by deleting lines 12 through 16 and inserting:

"*(b) The hearing must be held within 60 days after the request is received.*".

Amend sec. 5, page 4, line 17, by deleting "*6.*" and inserting "*5.*".

Amend sec. 5, page 4, line 19, by deleting "*7.*" and inserting "*6.*".

Amend sec. 5, page 4, by deleting line 20 and inserting: "*period of suspension begins 30 days after notification pursuant to subsection 3 or a determination is made by the commission pursuant to subsection 4.*".

Amend sec. 5, page 4, line 21, by deleting "*violation.*".

Amend the bill as a whole by deleting sections 8 through 10 and inserting:

"Secs. 8-10. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 11 and 12 and inserting:

"Secs. 11-12. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

"Sec. 12.5. NRS 501.387 is hereby amended to read as follows:

501.387 1. Except as otherwise provided by specific statute, upon a conviction of a violation of any provision of this Title, or any regulation adopted pursuant [thereto,] *to this Title,* in addition to the penalty provided for the violation [:

(a) The] *, the* court may require the immediate surrender of all licenses issued under the provisions of this Title and held by the convicted person. Upon receipt of a surrendered license, the court shall forward it to the commission.

[(b) The commission may, on its own initiative:

(1) Revoke or suspend any license issued pursuant to the provisions of this Title, or a regulation adopted pursuant thereto, for any violation thereof; and

(2) Refuse to issue any subsequent license to the convicted person for any period not to exceed 2 years.

If a person is convicted of more than one violation, the commission may revoke or suspend his license for each violation and require that the periods of revocation or suspension run concurrently or consecutively.]

2. In addition to the penalty provided for the violation of any of the provisions of this Title, the court may cause to be confiscated all wildlife taken or possessed by the convicted person. All confiscated wildlife must be disposed of as directed by the court.

3. A convicted person shall not, during the time his license is revoked or suspended:

(a) Engage in any activity for which the license was issued; or

(b) Purchase or otherwise obtain a license which has been suspended or revoked.

4. Any person who is convicted of violating the provisions of subsection 3 shall be punished by a fine of not more than $1,000 or by imprisonment in a county jail for a period not to exceed 6 months, or by both a fine and imprisonment. In addition, the revocation or suspension of the license of the convicted person may be extended by an amount of time equal to the original period of revocation or suspension.".

Amend the bill as a whole by deleting sections 13 and 14 and inserting:

"Secs. 13-14. (Deleted by amendment.)".

Amend sec. 16, pages 6 and 7, by deleting lines 40 through 48 on page 6 and lines 1 through 5 on page 7, and inserting:

"Sec. 16. (Deleted by amendment.)".

Amend the title of the bill to read as follows:

"An Act relating to wildlife; establishing a system of demerit points for violations of certain provisions relating to wildlife; and providing other matters properly relating thereto.".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 640.

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. *1. A member of the commission may be removed from office for just cause.*

2. A member of the commission must be removed from office for:

(a) A conviction of a gross misdemeanor for a violation of NRS 501.376, 502.060 or 504.395; or

(b) Two or more convictions of violating the provisions of chapters 501 to 504, inclusive, of NRS.".

Amend the bill as a whole by adding a new section designated sec. 10.5, following sec. 10, to read as follows:

"Sec. 10.5. NRS 501.171 is hereby amended to read as follows:

501.171 1. The governor shall appoint to the commission:

(a) One member who is actively engaged in the conservation of wildlife;

(b) One member who is actively engaged in farming;

(c) One member who is actively engaged in ranching;

(d) Four members who represent the interests of sportsmen; and

(e) Two members who represent the interests of the general public.

2. *The governor shall not appoint to the commission any person who has been convicted of:*

(a) A gross misdemeanor for a violation of NRS 501.376, 502.060 or 504.395; or

(b) Two or more violations of the provisions of chapters 501 to 504, inclusive, of NRS,

during the previous 10 years.

3. Not more than three members may be from the same county.

[3.] *4.* The commission shall select a chairman and a vice chairman from among its members.".

Amend the title of the bill, second line, after "wildlife;" by inserting: "revising provisions relating to appointment to and removal from the board of wildlife commissioners;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 580.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 649.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 445 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.".

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Sec. 2. *1. The commission shall provide by*".

Amend section 1, page 1, line 5, by deleting "*water.*" and inserting: "*water pursuant to NRS 445.131 to 445.354, inclusive.*".

Amend section 1, page 1, line 6, by deleting "*445.399,*" and inserting "*445.354,*".

Amend section 1, page 1, line 13, by deleting "*For analyses*".

Amend section 1, page 1, by deleting lines 14 through 16.

Amend section 1, page 1, by deleting lines 19 and 20 and inserting: "*pursuant to NRS 445.131 to 445.354, inclusive.*".

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. *1. The state board of health shall provide by regulation standards for the certification of laboratories for the analysis of water pursuant to NRS 445.361 to 445.399, inclusive. An analysis required pursuant to any provision of NRS 445.361 to 445.399, inclusive, must be performed by a certified laboratory.*

2. The certifying officer shall conduct an evaluation at the site of each laboratory to determine whether the laboratory is using the methods of analysis required by this section in an acceptable manner, applying procedures required by regulation for the control of quality and making results available in a timely manner.

3. For analyses required pursuant to NRS 445.361 to 445.399, inclusive, or by a lender as a condition precedent to the transfer of real property, the methods used must comply with the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq.

4. A laboratory may be certified to perform analyses for the presence of one or more specified contaminants, or to perform all analyses required pursuant to NRS 445.361 to 445.399, inclusive.".

Amend sec. 2, page 1, line 22, by deleting "*section 1*" and inserting "*section 2*".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 2, to read as follows:

"Sec. 5. NRS 445.363 is hereby amended to read as follows:

445.363 As used in NRS 445.361 to 445.399, inclusive, *and section 3 of this act,* unless the context otherwise requires, the terms defined in NRS 445.366 to 445.378, inclusive, have the meanings ascribed to them in those sections.".

Assemblyman Monaghan moved the adoption of the amendment.

Remarks by Assemblyman Monaghan.

Amendment adopted.

Assemblyman Monaghan moved that Assembly Bill No. 580 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 628.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 832.

Amend section 1, page 1, line 15, after "*NRS*" by inserting: "*232.830, 232.835 and*".

Amend sec. 3, page 2, line 21, by deleting "On" and inserting:

"*1.* On *July 1 of each year the state controller shall transfer from the account for verification of insurance created pursuant to section 1 of this act to the appropriate account of the office of the advocate for insurance*

customers in the division of insurance of the department of business and industry such money as the legislature authorizes to be transferred for expenditure in the budget of the office of the advocate for insurance customers. Any remaining balance of the money transferred pursuant to this subsection must not be committed for expenditure after June 30 of the following year and must be transferred to the state highway fund as soon as all payments of money committed have been made.

2. *On*".

Amend the title of the bill, fifth line, after "fund;" by inserting: "providing for the transfer of a portion of the civil penalty to support the office of the advocate for insurance customers in the division of insurance of the department of business and industry;".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 629.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 265.

Bill read second time and ordered to third reading.

Senate Bill No. 334.

Bill read second time and ordered to third reading.

Senate Bill No. 357.

Bill read second time and ordered to third reading.

Senate Bill No. 370.

Bill read second time and ordered to third reading.

Senate Bill No. 402.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 317.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 773.

Amend sec. 16, page 13, line 42, by deleting "*legislative*" and inserting "*advisory*".

Amend sec. 17, page 13, line 43, by deleting "*legislative*" and inserting "*advisory*".

Amend sec. 17, page 13, line 45, by deleting "*nonvoting*".

Amend sec. 17, page 13, line 47, by deleting "*nonvoting*".

Amend sec. 17, page 14, line 1, by deleting "*nonvoting*".

Amend sec. 17, page 14, line 4, by deleting "*nonvoting*".

Amend sec. 17, page 14, line 6, by deleting "*nonvoting*".

Amend sec. 17, page 14, line 9, by deleting "*nonvoting*".

Amend sec. 17, page 14, line 12, by deleting "*nonvoting*".

Amend sec. 17, page 14, by deleting lines 14 through 18 and inserting:

"*(h) Two members who are senators, one of whom is appointed by the majority leader of the senate and one of whom is appointed by the minority leader of the senate; and*

(i) Two members who are assemblymen, who do not belong to the same political party, appointed by the speaker of the assembly.".

Amend sec. 17, page 14, by deleting line 22 and inserting: "2. *The governor shall designate one member of the*".

Amend sec. 27, page 20, line 9, by deleting: "*3 and who has:*" and inserting "*3,*".

Amend sec. 27, page 20, by deleting lines 10 through 14.

Amend sec. 27, page 20, by deleting lines 25 through 31 and inserting: "*may submit documents regarding the request to the division of parole and probation. If a current address has not been provided as required by subsection 3 of NRS 213.130, the division of parole and*".

Amend sec. 27, page 21, line 1, by deleting: "*been more than one time convicted of*" and inserting: "*more than one prior conviction for*".

Amend the bill as a whole by renumbering sections 42 through 46 as sections 43 through 47 and adding a new section designated sec. 42, following sec. 41, to read as follows:

"Sec. 42. Section 1 of Assembly Bill No. 396 of this session is hereby amended to read as follows:

Section 1. NRS 176.185 is hereby amended to read as follows:

176.185 1. [Whenever] *Except as otherwise provided in this section, whenever* any person has been found guilty in a district court of a crime upon verdict or plea, the court, except in cases of murder of the first or second degree, kidnaping in the first degree, sexual assault, *attempted sexual assault of a child who is less than 16 years of age,* an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or where the defendant is found to be a habitual criminal pursuant to NRS 207.010 or a habitually violent felon pursuant to section 24 of [this act,] *Assembly Bill No. 317 of this session,* may by its order suspend the execution of the sentence imposed and grant probation to the convicted person as the judge thereof deems advisable. The court may grant probation to a person convicted of indecent or obscene exposure or of lewdness only if a certificate of a psychologist or psychiatrist, as required by NRS 201.210, 201.220 or 201.230, is received by the court. The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the chief parole and probation officer, if any, in determining whether to grant probation.

2. If the court determines that a defendant is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing him to a term of imprisonment, grant him probation pursuant to the program of intensive supervision established pursuant to NRS 176.198.

3. The district judge shall not, except as otherwise provided in this subsection, grant probation to a person convicted of a felony until the judge receives a written report from the chief parole and probation officer. The chief parole and probation officer shall submit a written report not later than 45 days following a request for a probation investigation from the county clerk, but if a report is not submitted by the chief parole and probation officer within 45 days the district judge may grant probation without the written report.

4. If the court determines that a defendant is otherwise eligible for probation, the court shall when determining the conditions of that probation consider the imposition of such conditions as would facilitate timely payments by the defendant of his obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.".

Amend sec. 43, page 31, line 4, by deleting "legislative" and inserting "advisory".

Amend sec. 44, page 31, line 8, by deleting: "the effective date of this act." and inserting: "July 1, 1995.".

Amend sec. 46, page 31, line 12, by deleting: "upon passage and approval." and inserting: "on July 1, 1995.".

Amend the title of the bill, third line, by deleting "legislative" and inserting "advisory".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Transportation:

Assembly Bill No. 705—An Act relating to traffic laws; providing that a person's failure to wear a safety belt may be considered as negligence or causation in a civil action; and providing other matters properly relating thereto.

Assemblyman Chowning moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 706—An Act relating to taxicabs; authorizing the public service commission of Nevada to allocate the number of taxicabs in certain counties; and providing other matters properly relating thereto.

Assemblyman Batten moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 707—An Act relating to identification cards for persons without drivers' licenses; requiring the renewal of identification cards; requiring the department of motor vehicles and public safety to establish a

procedure for the renewal of identification cards by mail; establishing a fee for the renewal of an identification card; and providing other matters properly relating thereto.

Assemblyman Batten moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Transportation:

Assembly Bill No. 708—An Act relating to vehicles; revising the method for crediting a portion of the privilege taxes paid on a vehicle when the registration for that vehicle is transferred; requiring the department of motor vehicles and public safety to refund registration fees and privilege taxes under certain circumstances; and providing other matters properly relating thereto.

Assemblyman Batten moved that the bill be referred to the Committee on Transportation.

Motion carried.

By the Committee on Health and Human Services:

Assembly Bill No. 709—An Act relating to medical facilities; specifying the persons who are entitled to access the results of laboratory tests regarding patients of rural hospitals; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

By the Committee on Labor and Management:

Assembly Bill No. 710—An Act relating to cranes; requiring the licensing of certain operators of cranes; and providing other matters properly relating thereto.

Assemblyman Krenzer moved that the bill be referred to the Committee on Labor and Management.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 395; Assembly Joint Resolution No. 29; Assembly Concurrent Resolution No. 24; Senate Bills Nos. 69, 155, 186; Senate Concurrent Resolutions Nos. 11, 46.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Schroeder.

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Wade Shell and Aaron Shell.

Assemblyman Ernaut moved that the Assembly adjourn until Friday, June 9, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 1:14 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

The

Journal of the Assembly

OF THE

SIXTY-EIGHTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

1995

BEGUN ON MONDAY, THE SIXTEENTH DAY OF JANUARY,
AND ENDED ON MONDAY, THE THIRD DAY OF JULY

VOLUME 2

**THE ONE HUNDRED AND FORTY-FIFTH DAY—
THE ONE HUNDRED AND SIXTY-NINTH DAY**

SEE VOLUME 1 FOR TABLE OF CONTENTS

SPO, Carson City, Nevada, 1996



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VOLUME 2

THE ONE HUNDRED AND FORTY-FIFTH DAY—THE ONE HUNDRED AND SIXTY-NINTH DAY

THE ONE HUNDRED AND FORTY-FIFTH DAY

CARSON CITY (Friday), June 9, 1995

Assembly called to order at 11:10 a.m.

Mr. Speaker Dini presiding.

Roll called.

All present except Assemblyman Harrington, who was excused.

Prayer by the Chaplain, The Reverend Dean Higginbotham.

Our Father, we thank You for Your manifold blessings. We thank You for the health and prosperity that we enjoy. We are blessed to live in this most desirable state in the most desirable nation on earth.

We ask Your blessing upon each individual gathered in this room today. We have come to discuss and to debate and to decide upon those courses of action that we believe will resolve many of the problems that confront us—to put forth ideas and plans for the betterment of the people of our communities.

Bless us today with wisdom, understanding, truth and honesty and with the ability to see the whole picture. Give us the courage to be unselfish and a spirit of cooperation, that we may promote an orderly society that truly honors God and family. A society that restores to our children the opportunities for happiness and hopefulness that they deserve.

We would be reminded of the words of the Psalmist David, when he said, "Except the Lord build a house, they labor in vain that build it." We ask Your guidance as we work together today. May all that we do honor You, for in so doing, we will honor ourselves and honor those we serve. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 213, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Joint Resolution No. 7, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 528, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 313, 373, 423, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 36, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN MONAGHAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 9, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 48.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Concurrent Resolution No. 44 be taken from the Chief Clerk's desk.

Motion carried.

Assembly Concurrent Resolution No. 44.

Commending the Communications Workers of America Local 9413 for their public service at the Veterans Administration Medical Center in Reno.

WHEREAS, A campaign is underway in Northern Nevada to make the Veterans Administration Medical Center in Reno part of a nationwide project called "PT Phone Home"; and

WHEREAS, The goal of the PT (patient) Phone Home project is to make bedside telephone communications available to all hospitalized veterans throughout the nation's 170 Veterans Administration medical centers; and

WHEREAS, The PT Phone Home project was conceived by Frank Dosio, Vietnam Veteran and member of the Communications Workers of America in 1990, and because of Frank's determination and compassion for the needs of veterans confined to veterans hospitals, 51 Veterans Administration medical centers have been assisted by this project; and

WHEREAS, After hearing about the success of this project, the Communications Workers of America Local 9413 contacted Valerie Springer, Staff Associate in External Affairs for Nevada Bell and asked her to chair a committee which would organize and coordinate the installation of a PT Phone Home system in the Veterans Administration Medical Center in Reno; and

WHEREAS, Valerie Springer graciously accepted this responsibility and with the help of Barbara Welling, Treasurer of the Communications Workers of America Local 9413 and the joint efforts of local labor organizations, veterans service organizations and communications corporations, the PT Phone Home project is about to become a reality for the Reno facility; and

WHEREAS, The project could not have been successful without donations from Nevada Bell for the internal circuitry, Telephone Pioneers of the Silver State Chapter 101 for 10 new trunk lines, Vodavi Communications Systems of Scottsdale, Arizona, for telephone sets, along with contributions from the Nevada State AFL-CIO, Markone Video, Washoe County Teachers Association, Disabled American Veterans and Disabled American Veterans Auxiliary, Sheet Metal Workers International Association Local 88, Sheet Metal Workers Union Local 26, Culinary Workers Union Local 226, AT&T

employees and Consumer Sales Division, Laborers Union Local 169, Painters and Allied Trades Union Local No. 567, Operating Engineers Local 3 of the International Union of Operating Engineers from California, B.P.O.E. Elks, International Union of Bricklayers and Allied Craftsmen Local 1, Building and Construction Trades Council of Northern Nevada, United Auto Workers Local 2162, Northern Nevada Central Labor Council, National Association of Letter Carriers Branch 2502 from Las Vegas, Ladies Auxiliary to the Veterans of Foreign Wars Post 3677, HITEC Corporation International, Kathy Elliott and Sherlane Skinner, plus thousands of man-hours of volunteer labor contributed by local technicians and engineers; and

WHEREAS, In June 1995, Frank Dosio will attend the dedication ceremony in Reno, and plans are underway to celebrate the successful completion of the PT Phone Home project with a call to one of the patients in the Veterans Administration Medical Center from an astronaut on the NASA space shuttle following its upcoming launch on Memorial Day; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 68th session of the Nevada Legislature do hereby commend the Communications Workers of America Local 9413 for their dedication and determination to make the PT Phone Home project a reality for the Veterans Administration Medical Center in Reno; and be it further

RESOLVED, That this legislative body expresses its appreciation to Valerie Springer, Barbara Welling and the numerous volunteers who donated their time to help install the PT Phone Home project; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Craig Hansen, President, and John Doran, Vice President, of the Communications Workers of America Local 9413.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblyman Anderson.

Assemblyman Perkins requested that Assemblyman Anderson's remarks be entered in the Journal.

Thank you, Mr. Speaker. The resolution describes the events that are to take place, and the hard work of these people in organizing, within our local community and at the local Veterans Hospital, the project that has been completed and will have its formal dedication tomorrow.

It is my pleasure to introduce the lovely lady on my right, Ms. Val Springer, who is currently an active member of the Communication Workers of America Local 9413 and is the former executive board member and the former Union Steward of Local 9413. She is a single, working mother who has worked for Nevada Bell for several years including Operator Services; Assignment, Computer Operations; Public Relations and her most recent assignment in Engineering. She has donated over 250 hours to this program.

She has spearheaded the PT Phone Home Project here in the state, Washoe County and for the local Veterans Hospital. She also spends a good deal of time skiing and is, in fact, the secretary of her local ski club.

In addition, we are honored to have with us today, the originator of the program, who is mentioned in the resolution, Mr. Dosio. Mr. Dosio has introduced this project from New York. He will be here tomorrow as part of the dedication ceremony at the local Veterans Hospital in Washoe County.

On my left is Barbara Welling who is the Treasurer of the Communication Workers of America, Local 9413 and active in all aspects of the union. She has dedicated many hours to the PT Phone Home Program and specifically to the Reno Veterans Hospital. Barbara has worked for Nevada Bell for many years, and most recently has been assigned to Human Resources. These two lovely ladies are people you most often see when you go to Nevada Bell.

Clearly, this is not just a two-, three- or four-person project. It took many, many long hours of hard work. We wish to honor them both, for their recognition nationally and also because they are Nevadans, doing what Nevadans do best.

I almost forgot their Shop Steward, John Doran, who helped make sure all of this took place today. Mr. Doran also provided us with the additional information. Please welcome them here, Mr. Speaker. Thank you.

Resolution adopted unanimously.

Assemblyman Anderson moved that all rules be suspended and that Assembly Concurrent Resolution No. 44 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:23 a.m.

ASSEMBLY IN SESSION

At 11:25 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 48.

Assemblyman Anderson moved the adoption of the resolution.

Remarks by Assemblymen Anderson, Evans, Perkins and Carpenter.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. In the past, I had the unpleasant duty of reporting to this body, the death of a police officer in my community, for whom you have already shown respect.

There is no way that this simple resolution can possibly show our feelings of loss and support to this family. It is a mere token for us to make a law, and specifically for those of us in Judiciary to realize that this man, and other men like him, on the streets of our communities, have to face the ultimate sacrifice for democracy.

We are touched, both by the courage of the police officers in our state and by the sacrifice of the Johnson family. I ask for the adoption of this resolution.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I, too, rise in support of the resolution. I did not have the pleasure of knowing Officer Johnson, but my daughter knew him. He often went to the restaurant, in Sparks, where she works and she thought he was a wonderful man.

The incident occurred in my district. In the 10 years that I have served in this body, I must say it was the most disturbing incident that I can recall. Many of us were able to go to Reno, to Lawlor Events Center, for the memorial services. Thousands of people from the area attended. I think it was a tribute to Officer Johnson, to his family and to all who serve in law enforcement. I deeply regret this terrible loss, and to the Johnson family. God Bless you and give you strength.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. It's no secret to members of this body that I, too, am a police officer. It is, however, difficult to describe the feelings that I have when I hear about the deaths of fellow law enforcement officers. It truly is a family connection in this line of work. It is not unlike finding out that you've lost a very close family member.

We all feel relatively secure in our homes and in our streets because of the service that the law enforcement community provides for us. It is people like Officer Johnson who have gone out and given the ultimate sacrifice in public service that help us be less insecure.

I know that my wife has had to feel concern when I've left for work, not knowing what perils were in store or whether I was going to return home. I am sure these same feelings were felt by the family of Larry Johnson. I, too, wish to thank the Johnson family for their support of Officer Johnson and offer my best wishes to them and my condolences for the loss. This will by no means compensate them for that loss, but it's the best we as a body can offer and I wish to offer that to them. Thank you, Mr. Speaker.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I, too, rise in support of this resolution. I have a son who is on the Arizona Highway Patrol. I never realized, until I was there one evening and my son put on the flack jacket and revolver, how deep the feelings really are between the members of law enforcement.

I always worry that something will happen, and I'm able to somewhat know the feelings of the Johnson family. I want to express my feelings and condolences to them.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. Allow me to introduce to this body, the former wife of Officer Larry Johnson, Patricia Johnson, his son Michael, his daughter Michelle, and the Chief of the Sparks Police Department, Chief John Dotson. I wish to present our resolution. I would ask you to show your respect for both Officer Johnson and his family.

MRS. PATRICIA JOHNSON:

I just want to say thank you to everyone for being so gracious. I know Larry would have wanted it to be said. His children appreciate all of this, and we will try to go forward with what he started. Thank you.

CHIEF JOHN DOTSON:

Mr. Speaker, thank you for the opportunity to address this distinguished body. I am John Dotson, Police Chief of the City of Sparks, Nevada. On behalf of all the members of our department, and speaking for the Johnson family, we deeply appreciate the gesture that you have shown for the family in your appreciation for the loss of Larry Don Johnson in the service of his community in Sparks, Nevada. We thank you, very much.

Resolution adopted unanimously.

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:37 a.m.

ASSEMBLY IN SESSION

At 12:02 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 295, 440, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 711—An Act making an appropriation to the department of human resources for augmentation of federal funding of nonstate agencies; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 712—An Act relating to the department of motor vehicles and public safety; authorizing the department to provide certain services at locations other than offices of the department; and providing other matters properly relating thereto.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 658.

Bill read second time.

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

Amendment No. 870.

Amend section 1, page 1, line 10, by deleting "If" and inserting: "Except as otherwise provided in subsection 3, if".

Amend section 1, page 2, line 1, after "3." by inserting: "In addition to those uses set forth in subsection 2, if a county has created one or more transportation districts and all or any portion of those districts are located in an area that is governed by an interstate compact entered into by this state and a state that borders this state, the county may use any part of the money retained which is collected within the boundaries of a transportation district to pay the cost of establishing, operating and maintaining a public transit system within the boundaries of the district, or outside those boundaries if the governing body finds that such a system outside the boundaries of the district will facilitate transportation within the district, or both.

4.".

Amend section 1, page 2, line 6, by deleting "*4.*" and inserting "*5.*".

Amend section 1, page 2, between lines 11 and 12, by inserting:

"[5.] *6.* As used in this section, "public transit system" means a system employing motor buses, rails or any other means of conveyance, by whatever type of power, that is operated for the conveyance of members of the general public.".

Amend sec. 3, page 2, by deleting line 26 and inserting:

"Sec. 3. 1. This section and section 2 of this act become effective on July 1, 1995.

2. Section 1 of this act becomes effective at 12:01 a.m. on July 1, 1995.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 152, 258, 317, 405, 433, 491, 498, 530, 532, 537, 628 be placed on the General File immediately following Assembly Bill No. 629.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 9, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 503, 520.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 347, 401, 414, 427.

MARY JO MONGELLI
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Assembly Bill No. 231.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 231:

YEAS—33.

NAYS—Bache, Buckley, Giunchigliani, Manendo, Monaghan, Ohrenschall, Price, Spitler—8.

Absent—Harrington.

Assembly Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 629.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Assembly Bill No. 629:

YEAS—41.

NAYS—None.

Absent—Harrington.

Assembly Bill No. 629 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 152.

Bill read third time.

Remarks by Assemblyman Schneider.

Potential conflicts of interest declared by Assemblymen Nolan, Braunlin, Allard, Buckley, Stroth and Tiffany.

Assemblyman Arberry moved that Assembly Bill No. 152 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assembly Bill No. 258.

Bill read third time.

Remarks by Assemblymen Chowning and Segerblom.

Roll call on Assembly Bill No. 258:

YEAS—41.

NAYS—None.

Absent—Harrington.

Assembly Bill No. 258 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 317.

Bill read third time.

Remarks by Assemblymen Humke and Anderson.

Roll call on Assembly Bill No. 317:

YEAS—41.

NAYS—None.

Absent—Harrington.

Assembly Bill No. 317 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 405.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 405:

YEAS—41.

NAYS—None.

Absent—Harrington.

Assembly Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 433.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 433:

YEAS—41.

NAYS—None.

Absent—Harrington.

Assembly Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 491.

Bill read third time.

Remarks by Assemblymen Freeman and Carpenter.

Assemblyman Carpenter moved that Assembly Bill No. 491 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Carpenter.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:34 p.m.

ASSEMBLY IN SESSION

At 12:40 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 347.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 401.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 414.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 427.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 503.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 520.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 498.

Bill read third time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 899.

Amend sec. 8, page 3, by deleting lines 37 through 41 and inserting:

"Sec. 8. (Deleted by amendment.)".

Amend sec. 16, page 8, by deleting lines 27 through 32 and inserting:

"3. *Membership in an association is for a term not longer than 1 year, lapsing on the anniversary date of the creation of the association. Renewal is automatic unless a notice of termination, cancellation or nonrenewal is given pursuant to this section. If the association proposes changes to the terms of membership in the association, it shall, within 90 days before the anniversary date of the creation of the association, send to all members of the association a notice and explanation of the proposed changes and provide each member with the option to cancel his membership within 30 days after receipt of the notice. If the association decides not to renew the membership of a member of the association, it shall serve the member personally or by certified mail with a written notice of intention not to renew the membership at least 120 days before the anniversary date of the creation of the association. The notice must state that the effective date of nonrenewal is the anniversary date of the creation of the association and be accompanied by a written explanation of the specific reasons for the nonrenewal.*

4. A member of an association may terminate his membership at any time.

[4.] *To terminate his membership, a member must submit to the association a written notice of his intention to withdraw from the association at least 120 days but not more than 150 days before the anniversary date of the creation of the association. The association shall, within 10 days after receipt of the notice, notify the commissioner of the member's intent to withdraw from the association.*".

Amend sec. 16, page 8, line 33, by deleting "4." and inserting "5.".

Amend sec. 16, page 8, by deleting line 35 and inserting:

"[5.] *If an association decides to cancel the membership of a member of the association, it shall serve the member personally or by certified mail with a written notice of his intention to cancel the membership at least 60 days before the effective date of the cancellation. The notice must state the effective date of the cancellation and be accompanied by a written explanation of the specific reasons for the cancellation.*

6. The association shall:".

Amend sec. 16, page 8, line 36, after "termination" by inserting ", *nonrenewal*".

Amend sec. 16, page 8, line 38, after "termination" by inserting ", *nonrenewal*".

Amend sec. 16, page 8, lines 39 and 40, by deleting "or canceled," and inserting: "[or canceled,] , *canceled or not renewed,*".

Amend sec. 16, page 9, by deleting "6." and inserting:

"[6.] *7. If the membership of an employer who was a member of an association of self-insured public or private employers has been terminated, canceled or not renewed and the system subsequently insures that employer, the employer shall remain insured by the system for at least 2 years before it may join an association of self-insured public or private employers.*

8.".

Amend sec. 16, page 9, line 7, by deleting "*7.*" and inserting "*9.*".

Amend the title of the bill, seventh line, after "withdrawal;" by inserting: "providing that membership in an association is for a 1-year term subject to annual renewal; requiring an association to provide notice of the cancellation or nonrenewal of membership;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache, Hettrick, Giunchigliani and Krenzer.

Assemblymen Bennett, Nolan and Close moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 899 to Assembly Bill No. 498.

Amendment lost on a division of the house.

Remarks by Assemblyman Nolan.

Roll call on Assembly Bill No. 498:

YEAS—39.
NAYS—Bache.
Absent—Harrington.
Not voting—Krenzer.

Assembly Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 530.

Bill read third time.

Remarks by Assemblyman Braunlin.

Roll call on Assembly Bill No. 530:

YEAS—40.
NAYS—Bennett.
Absent—Harrington.

Assembly Bill No. 530 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 532.

Bill read third time.

Remarks by Assemblymen Buckley, Goldwater, Carpenter, Schneider, Giunchigliani and Bache.

Roll call on Assembly Bill No. 532:

YEAS—41.
NAYS—None.
Absent—Harrington.

Assembly Bill No. 532 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 537.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 537:

YEAS—41.

NAYS—None.

Absent—Harrington.

Assembly Bill No. 537 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 628.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 628:

YEAS—41.

NAYS—None.

Absent—Harrington.

Assembly Bill No. 628 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 528; Senate Bills Nos. 36, 213, 295, 313, 373, 423, 440; Senate Joint Resolution No. 7 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Senate Bills Nos. 104, 153, 202, 220, 221, 222, 265, 334, 357, 370, 402, 465, 469 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Committee on Conference concerning Senate Bill No. 41, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

DAVID E. HUMKE	MARK A. JAMES
BARBARA E. BUCKLEY	MIKE MCGINNESS
BRIAN E. SANDOVAL	ERNEST E. ADLER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Humke moved that the Assembly adopt the report of the second Committee on Conference concerning Senate Bill No. 41.

Remarks by Assemblyman Humke.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 131.

The following Senate amendment was read:

Amendment No. 588.

Amend sec. 11, page 4, line 33, after "*games.*" by inserting: "*An inter-casino linked system must not be used to link games other than slot machines, unless such games are located at an establishment that is licensed for games other than slot machines.*".

Amend the bill as a whole by renumbering sec. 16 as sec. 18 and adding new sections designated sections 16 and 17, following sec. 15, to read as follows:

"Sec. 16. Section 4 of Assembly Bill No. 133 of this session is hereby amended to read as follows:

Sec. 4. NRS 463.370 is hereby amended to read as follows:

463.370 1. Except as otherwise provided in NRS 463.373, the commission shall charge and collect from each licensee a license fee based upon all the gross revenue of the licensee as follows:

Three percent of all the gross revenue of the licensee which does not exceed $50,000 per calendar month;

Four percent of all the gross revenue of the licensee which exceeds $50,000 per calendar month and does not exceed $134,000 per calendar month; and

Six and one-quarter percent of all the gross revenue of the licensee which exceeds $134,000 per calendar month.

2. Unless the licensee has been operating for less than a full calendar month, the commission shall charge and collect the fee prescribed in subsection 1, based upon the gross revenue for the preceding calendar month, on or before the 24th day of the following month. Except for the fee based on the first full month of operation, the fee is an estimated payment of the license fee for the third month following the month whose gross revenue is used as its basis.

3. When a licensee has been operating for less than a full calendar month, the commission shall charge and collect the fee prescribed in subsection 1, based on the gross revenue received during that month, on or before the 24th day of the following calendar month of operation. After the first full calendar month of operation, the commission shall charge and collect the fee based on the gross revenue received during that month, on or before the 24th day of the following calendar month. The payment of the fee due for the first full calendar month of operation must be accompanied by the payment of a fee equal to three times the fee for the first full calendar month. This additional amount is an estimated payment of the license fees for the next three calendar months. Thereafter, each license fee must be paid in the manner described in subsection 2. Any deposit held by the commission on July 1, 1969, must be treated as an advance estimated payment.

4. All revenue received from any game or gaming device which is operated on the premises of a licensee, regardless of whether any portion of the revenue is shared with any other person, must be attributed to the

licensee for the purposes of this section and counted as part of the gross revenue of the licensee. Any other person who is authorized to receive a share of the revenue is liable to the licensee for his proportionate share of the license fees paid pursuant to this section.

5. Any person required to pay a fee pursuant to this section shall file with the commission, on or before the 24th day of each calendar month, a report showing the amount of all gross revenue received during the preceding calendar month. Each report must be accompanied by:

(a) The fee due based on the revenue of the month covered by the report; and

(b) An adjustment for the difference between the estimated fee previously paid for the month covered by the report, if any, and the fee due for the actual gross revenue earned in that month. If the adjustment is less than zero, a credit must be applied to the estimated fee due with that report.

6. If the amount of license fees required to be reported and paid pursuant to this section is later determined to be greater or less than the amount actually reported and paid , [by the licensee,] the commission shall:

(a) Charge and collect the additional license fees determined to be due, with interest thereon until paid; or

(b) Refund any overpayment [,] *to the person entitled thereto pursuant to this chapter,* with interest thereon . [, to the licensee.]

Interest must be computed at the rate prescribed in NRS 17.130 from the first day of the first month following either the due date of the additional license fees or the date of overpayment until paid.

7. Failure to pay the fees provided for in this section shall be deemed a surrender of the license at the expiration of the period for which the estimated payment of fees has been made, as established in subsection 2.

8. Except as otherwise provided in NRS 463.386, the amount of the fee prescribed in subsection 1 must not be prorated.

9. Except as otherwise provided in NRS 463.386, if a licensee ceases operation, the commission shall:

(a) Charge and collect the additional license fees determined to be due with interest; or

(b) Refund any overpayment, with interest thereon, to the licensee,

based upon the gross revenue of the licensee during the last 3 months immediately preceding the cessation of operation, or portions of those last 3 months.

10. If in any month, the amount of gross revenue is less than zero, the licensee may offset the loss against gross revenue in succeeding months until the loss has been fully offset.

11. If in any month, the amount of the license fee due is less than zero, the licensee is entitled to receive a credit against any license fees due in succeeding months until the credit has been fully offset.

Sec. 17. Before November 1, 1995, an inter-casino linked system in which the game is conducted at one location may be placed only at gaming establishments with nonrestricted licenses that are affiliated with each other.

On or after November 1, 1995, an inter-casino linked system in which the game is conducted at one location may be placed at all gaming establishments with nonrestricted licenses.".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 131.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Assembly Bill No. 528.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 873.

Amend sec. 2, page 1, line 9, by deleting "*1 year*" and inserting "*5 years*".

Amend sec. 3, page 1, by deleting lines 11 and 12 and inserting: "Sec. 3. *1. Upon request from a:*".

Amend sec. 3, page 1, line 14, by deleting "*and*" and inserting "*or*".

Amend sec. 3, page 1, line 15, by deleting the period and inserting a comma.

Amend sec. 3, page 1, by deleting lines 16 through 19 and inserting: "*a landlord shall agree to enter into a rental agreement to rent or lease a mobile home lot for a period of not less than 5 years.*

2. A rental agreement entered into pursuant to this section must contain a provision which authorizes the landlord or tenant to terminate the agreement 60 days after notifying the other party of his intent to terminate the agreement.".

Amend sec. 3, page 2, line 1, by deleting "*Annually*" and inserting: "*Not more often than once every 12 months*".

Amend sec. 3, page 2, line 4, after "*park*" by inserting: "*or the maintenance of such an improvement*".

Amend sec. 3, page 2, line 7, by deleting "*$25,000*" and inserting "*$20,000*".

Amend sec. 4, page 2, by deleting lines 11 through 13 and inserting: "*ment which exceeds $20,000 made to a mobile home park unless a majority of the tenants of the park who are present at a meeting of the tenants conducted by the landlord approve the capital improvement.*".

Amend sec. 4, page 2, by deleting lines 17 through 20 and inserting: "*pursuant to subsection 1. The notice must include:*

(a) A description of the proposed capital improvement;

(b) An estimate of the cost of the proposed capital improvement; and

(c) An estimate of the amount by which each tenant's rent will be increased to cover the costs of the capital improvement if it is approved.

3. Except as otherwise provided in subsection 5, if a proposed capital improvement is approved by the tenants of a mobile home park pursuant to subsection 1, the".

Amend sec. 4, page 2, line 22, by deleting "*$25,000.*" and inserting "*$20,000.*".

Amend sec. 4, page 2, line 24, by deleting "*$25,000*" and inserting "*$20,000*".

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

"An Act relating to mobile home parks; requiring a landlord to agree to enter into a rental agreement to rent or lease a mobile home lot for a certain period under certain circumstances;".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 36.

Bill read second time and ordered to third reading.

Senate Bill No. 213.

Bill read second time and ordered to third reading.

Senate Bill No. 295.

Bill read second time and ordered to third reading.

Senate Bill No. 313.

Bill read second time and ordered to third reading.

Senate Bill No. 373.

Bill read second time and ordered to third reading.

Senate Bill No. 423.

Bill read second time and ordered to third reading.

Senate Bill No. 440.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 7.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 691.

Amend the resolution, page 2, by deleting lines 1 through 11 and inserting:

"RESOLVED, That the Nevada Legislature hereby urges the Congress of the United States to pass S. 852 or H.R. 1713 of the 104th Congress, 1st Session (1995), The Livestock Grazing Act of 1995, which would prevent the reforms adopted by the Secretary of the Interior concerning the management of the rangelands located on the public land of the United States and establish reasonable provisions relating to the management and administration of the public rangelands of the United States; and be it further".

Amend the resolution, page 2, line 14, after "Representatives" by inserting: ", the Chairman of the Senate Committee on Energy and Natural Resources, the Chairman of the House of Representatives Committee on Natural Resources".

Amend the preamble of the resolution, page 1, line 14, by deleting: "proposed to reform" and inserting: "adopted major reforms to".

Amend the preamble of the resolution, page 1, line 16, by deleting "States;" and inserting: "States which will become effective on August 26, 1995;".

Amend the preamble of the resolution, page 1, line 20, by deleting: "now, therefore, be it" and inserting:

"WHEREAS, A bill has been introduced in the Senate, S. 852 of the 104th Congress, 1st Session (1995), The Livestock Grazing Act of 1995, which would prevent the reforms adopted by the Secretary of the Interior and would establish reasonable provisions relating to the proportional ownership of improvements made on the public rangelands by ranchers in cooperation with the Federal Government, the requirement of compliance with state law relating to water rights, the clarification of the types of violations of federal law relating to the management and administration of the public rangelands which are subject to civil or criminal penalties and other matters relating to the management and administration of the public rangelands of the United States; and

WHEREAS, An identical bill has been introduced in the House of Representatives, H.R. 1713 of the 104th Congress, 1st Session (1995); now, therefore, be it".

Amend the title of the resolution by deleting the third and fourth lines and inserting: "States to pass legislation which would prevent the reforms of existing regulations concerning the management of public rangelands adopted by the Secretary of the Interior and establish reasonable provisions relating to the management and administration of the public rangelands of the United States.".

Amend the summary of the resolution to read as follows:

"Summary—Expresses support of Nevada Legislature for ranching and farming in Nevada and urges Congress of the United States to pass legislation to prevent reforms adopted by Secretary of the Interior and to establish reasonable provisions relating to management and administration of public rangelands of United States. (BDR R-1083)".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Resolution ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 254, 354; Assembly Joint Resolutions Nos. 12, 14, 30.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Val Springer, Barbara Welling, John Doran, Frank Dosio, Patricia Johnson, Michelle Johnson, Michael Johnson and John Dotson.

On request of Assemblyman Brower, the privilege of the floor of the Assembly Chamber for this day was extended to Joe McKnight.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Pound.

On request of Assemblyman Neighbors, the privilege of the floor of the Assembly Chamber for this day was extended to Brian Blakemore, Rick Blakemore and Angie Blakemore.

Assemblyman Perkins moved that the Assembly adjourn until Saturday, June 10, 1995 at 11:30 a.m., and that it do so in memory of Sparks Police Officer Larry Johnson.

Motion carried.

Assembly adjourned at 1:22 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-SIXTH DAY

CARSON CITY (Saturday), June 10, 1995

Assembly called to order at 11:41 a.m.
Speaker Hettrick presiding.
Roll called.
All present.
Prayer by the Chaplain, The Reverend Bruce Henderson.

I saw this article in a church bulletin:

GOD IS LIKE . . .
God is like Coca-Cola—
He's the real thing.
God is like McDonald's—
He does it all for you.
God is like General Electric—
He lights your path.
God is like Bayer Aspirin—
He works wonders.
God is like Hallmark Cards—
He cares enough to send the very best!
God is like Tide—
He gets the stains out that others leave behind.
God is like VO5 Hair Spray—
He holds through all kinds of weather.
God is like Dial Soap—
Aren't you glad you know Him?
Don't you wish everybody did?
God is like Sears—
He has everything.
God is like Alka-Seltzer—
Try Him, you'll like Him.
God is like Scotch Tape—
You can't see Him but you know He's there.

—AUTHOR UNKNOWN

Our Father, thank You for who You are. May we be like Burger King and let You have it Your way. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 444, 506, 542, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 180, 343, 460, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 206, 209, 212, 215, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

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

DAVID HUMKE, *Chairman*

Mr. Speaker:

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

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 9, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 57, 62, 411, 427.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 58, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 44.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 192, 207, 225.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rawson, Coffin and Rhoads as a first Committee on Conference concerning Senate Bill No. 149.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Senate Bill No. 41.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 38.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 16.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 10, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 49.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 16.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Health and Human Services.

Motion carried.

Senate Concurrent Resolution No. 38.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Assemblyman Ernaut moved that for the balance of the session, the reading of the history upon the Introduction and Second Reading of Senate Bills be dispensed with.

Motion carried.

Assemblyman Price moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:50 a.m.

ASSEMBLY IN SESSION

At 11:53 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Ernaut moved that the reading of the history on bills and resolutions on General File be dispensed with.

Remarks by Assemblyman Ernaut.

Motion carried.

Assemblyman Ernaut moved that Assembly Bill No. 658; Senate Joint Resolution No. 7 be placed at the top of the General File.

Motion carried.

Assemblyman Freeman moved that Assembly Bill No. 491 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Freeman.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 152 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Senate Concurrent Resolution No. 49.

Assemblyman Marvel moved the adoption of the resolution.

Remarks by Assemblymen Marvel, Anderson, Carpenter, Chowning, Evans, Giunchigliani, Humke, Neighbors, Freeman, Ohrenschall, Sandoval, Segerblom, Spitler, Braunlin, Dini, Price, Ernaut, Close and Mr. Speaker Hettrick.

Assemblyman Stroth requested that the following remarks be entered in the Journal.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. It really is a sad day when you see another one of the Warrens who won't be with us. We have a tradition around here. Stan's father, Wally, was one of the most highly respected people that ever roamed the legislative halls. We were all saddened when we lost him, and now we are going to be saddened when we lose Stan. We hope that he and Ruthie will visit us occasionally.

I am not sure who coined the phrase "legislative engineer," but it is very appropriate. Even as active as he is during the legislative sessions, Stan has always made it a point to attend the most important interim committee meetings, whether they were in Las Vegas, Laughlin or Elko; Stan was there.

He has truly represented his clients well and we are certainly going to miss you, Stan. It has certainly been a pleasure knowing you all these years and truly knowing your quality, because to me you are one of the finest gentlemen I've ever known. With that, Mr. Speaker, it is a pleasure that we honor Stan, Ruthie and family.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I wish to rise in support of the resolution. This may come as a big shock to Mr. Warren, but I, as a freshman to this body, needed a great deal of help preparing myself for the first session. Mr. Warren was kind enough to explain to me long before I ever arrived here, in great detail, some of the more technical issues that I might have to face without regard to which committee I might be on. His careful consideration made me realize, to a greater extent than I had already as a student of this body, the need for preparation to sit in these chambers. His high presentation is fairness of doctrine. He set a sterling example for others who advocate for a particular position, and if we had that kind of treatment from his colleagues in this establishment, our days would go by and be less than 100. Thank you, Mr. Speaker.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution No. 49. I consider Stan a real friend. He is about the only lobbyist who has come out to Elko to see me and fill me in on what is going on. Sometimes, I have given him a bad time and he has given me a bad time, but we are the best of friends. I am sure that 1941 Chevrolet is a 1942. We are going to miss Stan, and I want to wish him good luck in his retirement, if he wants to call it that.

ASSEMBLYMAN CHOWNING:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution No. 49. Stan's sense of professionalism and ethics is so respected by me and all the members of this body. One of the most contentious or could have been a very, very decisive bill was re-figuring privilege tax. We had every single classic car owner in this state calling us and coming to the committee. Stan's diligence and fairness helped us to get a really good bill passed. I would like to give you one of the nicest compliments we can—thanks Stan, because your word is good.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I'm delighted to stand in support of Senate Concurrent Resolution No. 49. It is a pleasure to see Ruthie here today. Actually, it is nice to see Stan here, too. I think it's only the third or fourth time we've seen him all session. I'm sure he tells Ruthie he comes here daily.

Before I was elected to this body, I spent three sessions here as a volunteer lobbyist. It was not unusual for various community groups, who wanted to know about the legislature

and the legislative process, to invite Mr. Warren and me to speak, as a professional lobbyist and as a volunteer lobbyist. What was it like? What was the difference? After we did this several times, Stan came up and said, "I think we should just get cards and bill ourselves as the Stan and Jan show." We haven't been able to do that in recent years. I miss that. Maybe they will let me out of here soon, so we can bring that back, Stan. All the best to you both.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution No. 49 to my solo classic car owner. Stan will probably never let me forget when I bought my 1940 Chevy, as I was learning the jargon and talking to him about paint jobs. I thought I was really in tune with things. I referred to it as making sure my car had no "onion peel" and I was corrected by Mr. Warren that it is called "orange peel." I'm becoming educated. He is slowly explaining that mine is a hot rod, as I've replaced the engine to a 450, and his is a "true classic." I think at some point after session we will have a drag race, if he ever gets his car up and really running.

I think the one thing that will be missed in the hallways is that some individuals act with a demeanor that is always kind and forthright. Stan is a true gentleman. He will never turn you around on an issue. He will always get you the facts and you make your own decisions. I respect you very, very much for that. Thank you.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. It is a pleasure to rise today in favor of Senate Concurrent Resolution No. 49. The name Stan Warren brings new meaning to the term "lobbyist." It brings a meaning that should have always been there—always positive.

It is an understatement to say that Stan is in a class by himself. He was in a class with his father, Wally, and a class with Jim Joyce. Stan's father was a fine man. Jim Joyce's reputation is legendary. Stan seems quiet and low-keyed most of the time, but I would point out to some of the junior members that he has worked some very big issues around here. I can think of no greater tribute than that.

In addition to the other traits that have been listed by other members, the greatest trait I can list is he is always the same. He is the same person even when the issues are tough and tempers are short. He helped me as a freshman and has been helping ever since. He helped carry out the advice that used to be given to freshmen around here which was, "Be quiet, sit down at the end of the row and vote when you are told. After a few sessions, someone like Jack Jeffrey or Lou Bergevin will contact you if they need your assistance." People like Stan and a very, very small group of people like him supplied the rest of the information and advice.

Stan provided the nuances. I also note the presence of his lovely wife, Ruthie. It is very nice to see her. It's always nice to see Stan and Ruthie together. I would finally say that if Stan has ever told you that you are a good legislator, and that sounds trite to say, you can't take that to the bank, but you can know that you have received a very good and valuable gift.

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution No. 49. Stan, I want you to know that my support has nothing to do with the fact that yesterday in the Senate you didn't testify against my "water bill." I have known Stan since I came here as an administrative lobbyist for the county in 1972. I can remember wandering around these halls, very green, and he was very helpful. I appreciated it very much. Speaking as a legislator, you have always been fair. When issues come up, you've given both sides, the pros and cons. This I appreciate. I wish you the very best in your retirement. Thank you.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I also rise in support of Senate Concurrent Resolution No. 49. I echo the comments of my colleagues and will simply say, "Stan, have a wonderful retirement. We will miss you."

ASSEMBLYMAN OHRENSCHALL:

Thank you, Mr. Speaker. As a freshman, I've known Stan Warren for less time than the previous speakers, but it has been very instructional and a great pleasure to work with someone as thoroughly competent, professional and patient as Stan. I think I can sum it up in one sentence when I say that Stan Warren makes the term "lobbyist" one of great honor. Thank you.

ASSEMBLYMAN SANDOVAL:

Thank you, Mr. Speaker. I, too, rise in support of Senate Concurrent Resolution No. 49. I consider Mr. Warren a true gentleman and friend. When I first started my campaign, he gave me some advice; advice that I truly respect. I say this about few people, but I consider Mr. Warren's word as good as gold and his handshake means that I have the confidence that there is a deal. I truly mean this as a compliment in the highest order. I'm proud to have had the opportunity to serve one term with you. I will truly miss you. I hope that I will have the opportunity to see you again. I wish you all the best.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution No. 49. I arrived here last year as a freshman and discovered that Stan Warren was associated with my relatives in Reno. He has been so helpful ever since. I plan to come back and I will miss you, Stan.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. I also stand in support of Senate Concurrent Resolution No. 49. My relationship with Stan goes back to 1985 when I was a lobbyist. Stan took me under his wing and then pushed me out of the nest. I wondered how he got so much done so quietly.

For those of you who have been around since those years, you know that the telecommunications for which we both worked was going through some phenomenal changes. Stan wrote a lot of those laws which put Nevada in a very competitive market in that industry. I used to think he accomplished all of that so silently. What I realized was that he was very silent and firm with me. He would sic Brian Herr on me so that I would see the light on some of those issues. It has really been my pleasure to work with him in the telecommunications industry.

After my leaving the ranks of lobbying and joining this body, I find that Stan continues to be very steady and very consistent in all of his actions. Truly he will be missed, as the monumental tasks that he has had before him have been done extremely well. He has remained friends with everyone as can be affirmed by the nice things that have been said about him today. So truly, I will miss Stan. Hopefully, I will get to ride in his car which I have heard so much about.

Occasionally, at the Nevada Telephone Association, he will bring up experiences of great embarrassment to me. But I like those good old stories. Thank you.

ASSEMBLYMAN BRAUNLIN:

Thank you, Mr. Speaker. I also rise in support of Senate Concurrent Resolution No. 49. My first experience of really getting to know Stan was during our two-week recess in Las Vegas. Stan approached me on a certain issue and asked me, "Deanna, how much do you know about this issue?" Needless to say, since then I have learned a tremendous amount, not only on that but on so many issues. I've also had the opportunity to get to know his lovely wife, Ruthie. I just wish you both the best. You will be missed.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I think I would be remiss if I didn't take this opportunity to say something about Stan. We've been friends for many, many years. His dad broke me in around these chambers.

There are two types of people you meet in this building. One, you hope they retire in a hurry. The other, you hope they stay around forever. Stan is one of those we are really going to miss and wish he would stick around longer. I'm very happy for him and his family. Enjoy your retirement and your family and have a good time. Best wishes to both of you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to Stan, I can't remember how many years it has been that I consider we've been friends. Stan, as everyone has said, you certainly have the highest principles and qualities that you could ask for in doing your job as a lobbyist.

Stan, like all of us, has come through these years where lobbyists and politicians sometimes don't have a great reputation. Stan is among the top of the people who have worked here. I believe that Stan and Nancy go back longer than I've known either one of them. Even Nancy could afford to have antique and special cars before she married me. They may have had some connections there as well as the phone company. Stan rates the highest with our family. We are going to miss you, Stan. I wish both of you good times in your retirement. Thank you.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I stand in support of Senate Concurrent Resolution No. 49. I first met Stan in 1989 when I was here as caucus director. The first day I walked into this legislative building was the first day I was hired as the Republican Caucus Director. Obviously, at that point the Minority Leader was Lou Bergevin. Lou called Stan in and said, "This kid is a little wet behind the ears. Why don't you show him around?" Stan did, and I appreciated it very much. He showed me where all the bathrooms, candy dishes, secret hallways, bill rooms and the library were.

Of the six or so years that I've known Stan, the thing I've gotten the most chuckle out of is the fact that he is the most utterly blunt human being that I've ever met. One day at a luncheon in Reno, and I hadn't seen Stan in three or four months, I saw him across the room and he came over with a smile on his face and I said, "Hi, Stan. How are you?" To which he replied, "Gosh, you look fat!" This is a true story.

Seriously, Stan has always been someone I've very much respected, admired, listened to and someone who will be sorely missed around this process. Lou Bergevin said, "There is going to be a day when all the tough guys are gone." We've just lost another one. Thank you.

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker. I also rise in support of Senate Concurrent Resolution No. 49. As a freshman of this body, I can appreciate the remarks my peers have stated about Mr. Warren today. Our opportunity to be exposed to each other during this session has been a result of our interest in classic vehicles. As stated in reference to his ability as a lobbyist, I appreciate his assistance in getting the license plate bill passed through this session for classic vehicles. I would like to be able to give Mr. Warren the first license plate, for he is truly a "classic." Thank you.

Mr. Speaker Hettrick requested the privilege of the floor for the purpose of making the following remarks:

I, too, have to make a couple of comments. I met Stan four years ago when I first decided to run for office, much in the same way that Mr. Ernaut just expressed, through Lou Bergevin. He brought Stan down and said, "You have to meet this guy. I think he is going to run for this seat." I appreciated his tremendous advice.

We share an interest in old cars. I truly believe he has become a friend, a real friend. He and his wife, Ruthie, are great people. They will be missed around here. He will be missed, as he has done a tremendous job for this body and the people of the State of Nevada in ways that most people in this state will never know. It is with some sadness that I say good-bye to him, but with a great deal of best wishes and our best thoughts.

Resolution adopted unanimously.

Assemblyman Price moved that a letter be addressed to the Department of Motor Vehicles and Public Safety requesting that the first classic car license plate produced in the State of Nevada be assigned to Mr. Stan Warren.

Remarks by Assemblyman Price.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 439, 473, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 10, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 393, 477, 517.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Senate Bills Nos. 223, 340, 371, 448, 463, 526.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 25.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Taxation:

Assembly Bill No. 713—An Act relating to taxation; providing separately for the licensing and bonding of a user of special fuel who also stores it; providing a penalty; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Senate Bill No. 36 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 658.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 658:

YEAS—41.

NAYS—Tiffany.

Assembly Bill No. 658 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 7.

Resolution read third time.

Remarks by Assemblymen Carpenter and Dini.

Roll call on Senate Joint Resolution No. 7:

YEAS—42.

NAYS—None.

Senate Joint Resolution No. 7 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

Senate Bill No. 104.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 104:

YEAS—42.

NAYS—None.

Senate Bill No. 104 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 153.

Bill read third time.

Remarks by Assemblymen Harrington and Goldwater.

Roll call on Senate Bill No. 153:

YEAS—18.

NAYS—Anderson, Arberry, Bache, Batten, Brower, Chowning, Close, de Braga, Ernaut, Evans, Giunchigliani, Goldwater, Humke, Manendo, Neighbors, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Williams, Mr. Speaker Dini—23.

Not voting—Krenzer.

Senate Bill No. 153 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 202.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Senate Bill No. 202:

YEAS—42.

NAYS—None.

Senate Bill No. 202 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 213.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 213:

YEAS—42.

NAYS—None.

Senate Bill No. 213 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 220.

Bill read third time.

Remarks by Assemblymen Spitler, Dini and Marvel.

Roll call on Senate Bill No. 220:

YEAS—42.

NAYS—None.

Senate Bill No. 220 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 221.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 221:

YEAS—42.

NAYS—None.

Senate Bill No. 221 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 222.

Bill read third time.

Remarks by Assemblyman Fettic.

Roll call on Senate Bill No. 222:

YEAS—42.

NAYS—None.

Senate Bill No. 222 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 265.

Bill read third time.

Remarks by Assemblymen Segerblom, Ernaut and Humke.

Roll call on Senate Bill No. 265:

YEAS—42.

NAYS—None.

Senate Bill No. 265 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 295.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 295:

YEAS—42.

NAYS—None.

Senate Bill No. 295 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 313.

Bill read third time.

Remarks by Assemblymen Goldwater and Manendo.
Roll call on Senate Bill No. 313:
YEAS—42.
NAYS—None.

Senate Bill No. 313 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 334.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 334:
YEAS—42.
NAYS—None.

Senate Bill No. 334 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 357.
Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Senate Bill No. 357:
YEAS—42.
NAYS—None.

Senate Bill No. 357 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 370.
Bill read third time.
Remarks by Assemblyman Lambert.
Roll call on Senate Bill No. 370:
YEAS—42.
NAYS—None.

Senate Bill No. 370 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 373.
Bill read third time.
Remarks by Assemblyman Manendo.
Roll call on Senate Bill No. 373:
YEAS—42.
NAYS—None.

Senate Bill No. 373 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 402.

Bill read third time.
Remarks by Assemblyman Bennett.
Roll call on Senate Bill No. 402:
YEAS—42.
NAYS—None.

Senate Bill No. 402 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bills Nos. 422, 439, 444, 473, 506, 542, 570; Senate Bills Nos. 180, 206, 209, 212, 215, 343, 460 be placed on the Second Reading File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 423.
Bill read third time.
Remarks by Assemblyman Humke.
Conflict of interest declared by Assemblyman Harrington.
Roll call on Senate Bill No. 423:
YEAS—41.
NAYS—None.
Not voting—Harrington.

Senate Bill No. 423 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 440.
Bill read third time.
Remarks by Assemblyman Goldwater.
Conflict of interest declared by Assemblyman Ernaut.
Roll call on Senate Bill No. 440:
YEAS—41.
NAYS—None.
Not voting—Ernaut.

Senate Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 465.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Senate Bill No. 465:
YEAS—42.
NAYS—None.

Senate Bill No. 465 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 469.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Senate Bill No. 469:

YEAS—42.

NAYS—None.

Senate Bill No. 469 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 491.

Bill read third time.

The following amendment was proposed by Assemblyman Freeman:

Amendment No. 915.

Amend sec. 6, page 3, line 20, by deleting the brackets.

Amend sec. 6, page 3, line 46, by deleting the open bracket.

Amend sec. 6, page 4, line 4, by deleting the closed bracket.

Amend the title of the bill by deleting the fourth line and inserting "facilities;".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing imposition of administrative sanctions against child care facilities. (BDR 38-160)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 25.

Assemblyman Stroth moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 223.

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

Motion carried.

Senate Bill No. 340.

Assemblyman Stroth moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 371.

Assemblyman Stroth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 393.

Assemblyman Stroth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 448.

Assemblyman Stroth moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 463.

Assemblyman Stroth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 477.

Assemblyman Stroth moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 517.

Assemblyman Stroth moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 526.

Assemblyman Stroth moved that the bill be referred to the Concurrent Committees on Economic Development and Tourism and Ways and Means.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman de Braga moved that Assembly Bill No. 422 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 439.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 822.

Amend sec. 5, page 2, by deleting lines 2 through 6 and inserting: "*from the trust fund in an amount of $100 or more is personally liable for:*".

Amend sec. 5, page 2, line 13, by deleting "*3.*" and inserting "*2.*".

Amend sec. 5, page 2, line 14, by deleting "*2*" and inserting "*1*".

Amend sec. 5, page 2, by deleting lines 16 through 21.

Amend the bill as a whole by deleting sec. 8 and renumbering sections 9 through 11 as sections 8 through 10.

Amend sec. 10, page 5, by deleting line 4 and inserting: "within the park that was occupied at any time during the year. The owner".

Amend the title of the bill to read as follows:

"An Act relating to mobile home parks; revising the requirements and procedure for the provision of assistance from the trust fund for low-income owners of mobile homes; authorizing the recovery of money incorrectly paid from the trust fund; imposing a civil penalty upon a person who fraudulently attempts to obtain assistance from the trust fund; specifying the terms and conditions of tenancy of a tenant who remains in possession of a mobile home lot without the landlord's consent after the expiration of the term of the rental agreement; and providing other matters properly relating thereto.".

Assemblyman Allard moved the adoption of the amendment.

Remarks by Assemblyman Allard.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 444.

Bill read second time.

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

Amendment No. 736.

Amend sec. 2, page 1, by deleting line 4 and inserting: "*less than 110 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross income for the county.*".

Amend sec. 3, page 1, line 10, after "*national origin,*" by inserting "*disability,*".

Amend sec. 3, page 1, lines 17 and 18, by deleting: "*assisted by a local government, the state or Federal Government, or*".

Amend sec. 3, page 2, line 1, by deleting "*fees*" and inserting: "*fees, exactions or other requirements*".

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

Amend sec. 3, page 2, line 6, by deleting "*(d)*" and inserting "*(b)*".

Amend sec. 3, page 2, line 7, by deleting "*development.*" and inserting: "*development; and*

(c) Authorizing an increase in the number of dwelling units per acre to a density greater than that prescribed in the otherwise applicable zoning regulations of the governing body, but not greater than the density prescribed in the master plan.".

Amend sec. 4, page 2, line 23, by deleting: "*a low level*" and inserting: "*low to moderate levels*".

Amend sec. 4, page 2, line 24, by deleting: "*a low level*" and inserting: "*low to moderate levels*".

Amend sec. 4, page 2, by deleting lines 31 through 33.

Amend sec. 4, page 3, line 11, by deleting "*or*".

Amend sec. 4, page 3, line 14, by deleting "*development.*" and inserting: "*development; or*

(c) Requiring the residential development to provide adequate assurances that the residential development will be sold or rented as affordable housing.".

Amend sec. 5, page 3, line 17, by deleting "*home.*" and inserting: "*or modular home that has been built in compliance with the standards for single-family residential dwellings of the Uniform Building Code most recently adopted by the International Conference of Building Officials.*".

Amend sec. 5, page 3, line 19, after "*manufactured*" by inserting "*or modular*".

Amend sec. 5, page 3, line 29, after "*manufactured*" by inserting "*or modular*".

Amend sec. 5, page 3, line 30, after "*manufactured*" by inserting "*or modular*".

Amend sec. 5, page 3, line 32, after "*manufactured*" by inserting "*or modular*".

Amend sec. 5, page 3, line 34, by deleting "*10*" and inserting "*5*".

Amend sec. 5, page 3, line 35, after "*manufactured*" by inserting "*or modular*".

Amend sec. 5, page 3, line 36, after "*manufactured*" by inserting "*or modular*".

Amend sec. 5, page 3, lines 38 and 39, by deleting: "*value and the area, building, structure or other object is listed on the national register of historic places.*" and inserting "*value.*".

Amend sec. 7, page 4, by deleting lines 27 and 28 and inserting:

"*(j) To ensure the development of housing for the community, including the development of affordable housing for persons with low or moderate levels of income.*".

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

"Sec. 8. Notwithstanding the provisions of subsection 1 of NRS 354.599, each local government shall pay any additional expenses related to the provisions of this act from existing revenues of that local government.".

Amend the title of the bill, third line, by deleting "manufactured" and inserting: "certain manufactured and modular".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 473.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 823.

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

"Section 1. Chapter 118B of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. There is hereby created in the state general fund the account to provide assistance to tenants of mobile home parks who are temporarily unable to pay rent because of an illness or emergency.*

2. The money in the account:

(a) Must only be used to provide financial assistance to tenants of mobile home parks who are eligible for assistance pursuant to subsection 3.

(b) Does not lapse to the state general fund at the end of any fiscal year.

3. To be eligible to receive assistance from the account, a person must:

(a) Have been a tenant in a mobile home park in this state for at least 6 months immediately preceding his application for assistance;

(b) Own the mobile home which is subject to the tenancy; and

(c) Be temporarily unable to pay his rent for the mobile home lot which is the subject of the tenancy because of an illness or emergency.

4. Financial assistance must not be provided to a person pursuant to this section for more than 2 months during any calendar year.

5. The administrator:

(a) Shall administer the account.

(b) May authorize a nonprofit organization that is exempt from taxation pursuant to 26 U.S.C. § 501(c)(3) to act as his agent for the provision of financial assistance from the account.

(c) May adopt regulations to carry out the provisions of this section.

Sec. 3. *Money received by the administrator from:*

1. Appropriations made by the legislature for financial assistance for tenants of mobile home parks who are temporarily unable to pay rent because of an illness or emergency; and

2. Gifts of money or proceeds derived from the sale of gifts of personal property he is authorized to accept,

must be deposited with the state treasurer for credit to the account created pursuant to section 2 of this act.

Sec. 4. There is hereby appropriated from the state general fund to the account to provide assistance to tenants of mobile home parks who are unable to pay rent because of an illness or emergency created pursuant to section 2 of this act the sum of $100,000.

Sec. 5. This act becomes effective upon passage and approval or on June 30, 1995, whichever occurs earlier.".

Amend the title of the bill to read as follows:

"An Act relating to mobile home parks; creating the account to provide assistance to tenants of mobile home parks who are temporarily unable to pay rent because of an illness or emergency; providing for the administration of the account; making an appropriation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Creates account to provide assistance to tenants of mobile home parks who are temporarily unable to pay rent because of illness or emergency. (BDR 10-1913)".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 506.

Bill read second time.

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

Amendment No. 741.

Amend section 1, page 1, by deleting lines 3 through 5 and inserting: "*"Affordable housing" means housing affordable for a family with a total gross income less than 110 percent of the median gross income for the county concerned based upon the estimates of the United States Department of Housing and Urban Development of the most current median gross family income for the county.*".

Amend sec. 3, page 1, line 21, by deleting "*community.*" and inserting: "*community, including affordable housing that is accessible to persons with disabilities.*".

Amend sec. 4, page 2, line 6, by deleting the brackets.

Amend sec. 4, page 2, line 7, by deleting: "*subsections 3 and 4,*".

Amend sec. 4, page 2, by deleting lines 11 through 13.

Amend sec. 4, page 2, line 14, by deleting "*4.*" and inserting "3.".

Amend sec. 4, page 2, line 16, after "conservation plan" by inserting: ", *a housing plan*".

Amend sec. 5, page 2, by deleting lines 43 through 45 and inserting:

"(e) Housing [. Survey of housing conditions and needs and plans and procedure for improvement of housing standards and for the provision of adequate housing.] *plan. The housing plan must include, but is not limited to:*

(1) An inventory of housing conditions, needs and plans and procedures for improving housing standards and for providing adequate housing.

(2) An inventory of affordable housing in the community.

(3) An analysis of the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is the most appropriate for the construction of affordable housing.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community.".

Amend sec. 5, page 3, by deleting lines 35 through 45.

Amend sec. 5, page 3, line 46, by deleting "*3.*" and inserting "2.".

Amend sec. 6, page 4, line 6, by deleting the brackets.

Amend sec. 6, page 4, line 7, by deleting: "*subsections 2 and 3,*".

Amend sec. 6, page 4, by deleting lines 11 through 14.

Amend sec. 6, page 4, line 15, by deleting "*3.*" and inserting "2.".

Amend sec. 6, page 4, line 18, after "conservation" by inserting ", *housing*".

Amend sec. 7, page 4, by deleting lines 29 and 30 and inserting: "required, and [as a] *ensure an adequate supply of housing, including affordable housing; and*".

Amend sec. 8, page 5, by deleting lines 14 and 15 and inserting:

"*(j) To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.*".

Amend sec. 9, page 5, by deleting lines 37 and 38 and inserting: "plan if required by NRS 278.170 [.] *and a plan for the development of affordable housing.*".

Amend sec. 10, page 5, by deleting lines 43 through 45 and inserting:

"Sec. 10. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.".

Amend the title of the bill to read as follows:

"An Act relating to land use; providing that a master plan may include a housing plan; requiring certain governing bodies adopting any part of a master plan to adopt a housing plan; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires certain counties adopting any part of master plan to adopt housing plan. (BDR 22-1224)".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 542.

Bill read second time.

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

Amendment No. 775.

Amend sec. 3, page 4, line 7, by deleting "Revenues" and inserting "1. Revenues".

Amend sec. 3, page 4, line 10, by deleting "1." and inserting "(a)".

Amend sec. 3, page 4, line 12, by deleting "2." and inserting "(b)".

Amend sec. 3, page 4, line 15, by deleting "3." and inserting "(c)".

Amend sec. 3, page 4, between lines 18 and 19 by inserting:

"(d) To the payment of the principal, interest and any other charges related to any obligations incurred to refund any general obligations of the state issued for the acquisition, construction, improvement or equipment of the federal facilities or the state facilities.

(e) To the payment of the principal, interest and any other charges related to any obligations incurred by the Southern Nevada Water Authority for the

acquisition, construction, improvement or equipment of the federal facilities or the state facilities or other facilities designed to provide water to southern Nevada, including any obligations issued to refund those obligations.

(f) To the payment of expenses incurred by the Southern Nevada Water Authority related to the acquisition, construction, improvement or equipment of the federal facilities or the state facilities or incurred to acquire, construct, improve, equip, operate or maintain facilities designed to provide water to southern Nevada.

2. The Southern Nevada Water Authority may incur obligations to refund any general obligations of the state issued for the acquisition, construction, improvement or equipment of the federal facilities or state facilities if the Southern Nevada Water Authority:

(a) Requests the state treasurer to issue general obligations of the state pursuant to the provisions of the State Securities Law;

(b) Requests the Las Vegas Valley water district to issue obligations pursuant to the provisions of section 27 of the Las Vegas Valley Water District Act, as added by section 4 of chapter 631, Statutes of Nevada 1993, at page 2643; or

(c) Issues revenue securities pursuant to the provisions of NRS 277.0705 to 277.0755, inclusive.

3. If the Southern Nevada Water Authority incurs obligations pursuant to subsection 2, it must:

(a) Pledge any revenue applied and disbursed pursuant to paragraph (d) of subsection 1 to the payment of the obligations incurred pursuant to subsection 2; and

(b) Ensure that the revenue pledged pursuant to paragraph (a) is maintained in an amount sufficient to pay the principal, interest and any other charges relating to those obligations.

4. The legislature finds and declares that the issuance of securities as general obligations of the state pursuant to paragraph (a) of subsection 2 are for the protection and preservation of the natural resources of this state and obtaining the benefits thereof, and constitute an exercise of the authority conferred by the second paragraph of section 3 of article 9 of the constitution of the State of Nevada.".

Amend sec. 6, page 5, line 9, by deleting "*The*" and inserting "*1. The*".

Amend sec. 6, page 5, line 10, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 6, page 5, line 11, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 6, page 5, line 13, by deleting "*3.*" and inserting "*(c)*".

Amend sec. 6, page 5, line 17, by deleting "*4.*" and inserting "*(d)*".

Amend sec. 6, page 5, line 19, by deleting "*5.*" and inserting "*(e)*".

Amend sec. 6, page 5, line 20, by deleting "*(a)*" and inserting "*(1)*".

Amend sec. 6, page 5, line 22, by deleting "*(b)*" and inserting "*(2)*".

Amend sec. 6, page 5, line 23, by deleting "*(1)*" and inserting "*(I)*".

Amend sec. 6, page 5, line 25, by deleting "*(2)*" and inserting "*(II)*".

Amend sec. 6, page 5, line 27, by deleting "*(3)*" and inserting "*(III)*".

Amend sec. 6, page 5, line 35, by deleting "*6.*" and inserting "*(f)*".

Amend sec. 6, page 5, between lines 37 and 38, by inserting:

"2. *The commission shall comply with the provisions of this chapter and chapters 532, 533 and 534 of NRS before taking any action pursuant to subsection 1 which relates in any way to supplemental water if the source of the supplemental water is located within the State of Nevada and is not the Colorado River.*".

Amend sec. 8, page 7, line 25, after "*1928.*" by inserting: "*The term does not include water from:*

(a) Lake Tahoe;

(b) The Truckee, Carson or Walker river;

(c) Any ground water within the State of Nevada, other than ground water within Clark County; or

(d) Any surface water within the State of Nevada or that flows into the State of Nevada, other than the waters of the Colorado River,

unless the state engineer authorizes the transfer of that water to the Colorado River pursuant to the provisions of this chapter or chapter 532, 533 or 534 of NRS.".

Amend sec. 9, page 8, by deleting lines 42 through 44 and inserting:

"*7. Within the limits of its authority, represent and act for the State of Nevada as a member of any interstate or international commission or other body as may be established relating to the Colorado River in transactions with Arizona, California, Colorado, New Mexico, Utah, Wyoming, the Federal Government or any foreign country.*".

Amend sec. 12, page 11, line 39, after "into" by inserting: "*on or before January 1, 1996,*".

Amend sec. 15, page 13, line 8, after "1.1" by inserting: "of the Las Vegas Valley Water District Act, as added by section 2".

Amend sec. 16, page 14, by deleting lines 1 through 3 and inserting:

"Sec. 16. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 570.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 916.

Amend the bill as a whole by renumbering sec. 9 as sec. 10 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. Section 1 of Assembly Bill No. 396 of this session is hereby amended to read as follows:

Section 1. NRS 176.185 is hereby amended to read as follows:

176.185 1. [Whenever] *Except as otherwise provided in this section, whenever* any person has been found guilty in a district court of a

crime upon verdict or plea, the court, except in cases of murder of the first or second degree, kidnaping in the first degree, sexual assault, *attempted sexual assault of a child who is less than 16 years of age,* an offense for which the suspension of sentence or the granting of probation is expressly forbidden, or where the defendant is found to be a habitual criminal pursuant to NRS 207.010 or a habitually fraudulent felon pursuant to section 2 of [this act,] *Assembly Bill No. 570 of this session,* may by its order suspend the execution of the sentence imposed and grant probation to the convicted person as the judge thereof deems advisable. The court may grant probation to a person convicted of indecent or obscene exposure or of lewdness only if a certificate of a psychologist or psychiatrist, as required by NRS 201.210, 201.220 or 201.230, is received by the court. The court shall consider the standards adopted pursuant to NRS 213.10988 and the recommendation of the chief parole and probation officer, if any, in determining whether to grant probation.

2. If the court determines that a defendant is otherwise eligible for probation but requires more supervision than would normally be provided to a person granted probation, the court may, in lieu of sentencing him to a term of imprisonment, grant him probation pursuant to the program of intensive supervision established pursuant to NRS 176.198.

3. The district judge shall not, except as otherwise provided in this subsection, grant probation to a person convicted of a felony until the judge receives a written report from the chief parole and probation officer. The chief parole and probation officer shall submit a written report not later than 30 days following a request for a probation investigation from the county clerk, but if a report is not submitted by the chief parole and probation officer within 30 days the district judge may grant probation without the written report.

4. If the court determines that a defendant is otherwise eligible for probation, the court shall when determining the conditions of that probation consider the imposition of such conditions as would facilitate timely payments by the defendant of his obligation, if any, for the support of a child and the payment of any such obligation which is in arrears.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 180.

Bill read second time and ordered to third reading.

Senate Bill No. 206.

Bill read second time and ordered to third reading.

Senate Bill No. 209.

Bill read second time and ordered to third reading.

Senate Bill No. 212.
Bill read second time and ordered to third reading.

Senate Bill No. 215.
Bill read second time and ordered to third reading.

Senate Bill No. 343.
Bill read second time and ordered to third reading.

Senate Bill No. 460.
Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Buckley moved that Assembly Bill No. 473 be re-referred to the Committee on Ways and Means.
Motion carried.

Assemblyman de Braga moved that Assembly Bill No. 422 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.
Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 186, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

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

Conference Amendment No. 3.

Amend section 1, page 1, line 20, by deleting "*and*".

Amend section 1, page 1, line 22, by deleting the period and inserting: "*; and*
(d) Any other relative or victim who requests in writing to be notified of the hearing.".

Amend the title of the bill, third line, after "defendant;" by inserting: "revising the provision regarding persons who are entitled to receive notice of the hearing to impose sentence;".

BRIAN E. SANDOVAL	MAURICE E. WASHINGTON
JAN F. MONAGHAN	DINA TITUS
MICHAEL A. SCHNEIDER	JON C. PORTER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Humke moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 186.
Remarks by Assemblyman Humke.
Motion carried.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bills Nos. 2, 41, 125, 192, 207, 225, 267, 273, 288, 297, 323, 355, 385; Senate Joint Resolutions Nos. 3, 23 of the 67th Session; Senate Concurrent Resolution No. 47.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Stan Warren, Ruthie Warren, Gene Warren, Grae Warren, Gency Warren, Mike Warren, Heidi Warren, Allan Warren and Ethel Warren.

Assemblyman Stroth moved that the Assembly adjourn until Monday, June 12, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 1:27 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-EIGHTH DAY

CARSON CITY (Monday), June 12, 1995

Assembly called to order at 11:08 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

O Lord, when we came to Carson City, we came with our Social Security numbers, credit card numbers and the number of our Assembly districts. We then had to learn new phone numbers and a new zip code number. Now, during this 148th day of the 68th Session, we will consider bill numbers 439, 406 and 542. Lord, deliver us from numbers!

God, there is something about a number that takes away identity and personality. May we still see people, needs and hearts. We pray this in the Name of the One who knows everything about us, including our numbers. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 12, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 610, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Education.

WILLIAM HARRINGTON, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was re-referred Assembly Bill No. 612, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

WILLIAM HARRINGTON, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 617, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM HARRINGTON, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 677; Senate Bills Nos. 375, 399, 513; Assembly Joint Resolution No. 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 10, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 69, 315.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 374, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 186.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 98, 141, 293.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 230.

MARY JO MONGELLI
Assistant Secretary of the Senate

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 288, 512, 540, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 439, 444, 506, 542, 570 be placed at the top of the General File.

Motion carried.

Assemblyman Close moved that Assembly Bill No. 528 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 439.

Bill read third time.

Remarks by Assemblyman Allard.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:18 a.m.

ASSEMBLY IN SESSION

At 11:20 a.m.

Mr. Speaker presiding.

Quorum present.

Roll call on Assembly Bill No. 439:

YEAS—42.

NAYS—None.

Assembly Bill No. 439 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Tiffany moved that Assembly Bill No. 255 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 444.

Bill read third time.

Remarks by Assemblymen Buckley, Lambert, Ohrenschall, Schneider, Krenzer, Harrington and Steel.

Roll call on Assembly Bill No. 444:

YEAS—25.

NAYS—Allard, Braunlin, Brower, Carpenter, Ernaut, Harrington, Humke, Lambert, Marvel, Neighbors, Sandoval, Steel, Stroth, Tiffany, Tripple, Mr. Speaker Dini, Mr. Speaker Hettrick—17.

Assembly Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 506.

Bill read third time.

Remarks by Assemblymen Buckley, Harrington and Hettrick.

Assemblyman Buckley moved that Assembly Bill No. 506 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 506 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Bache.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 506.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 506:

YEAS—42.

NAYS—None.

Assembly Bill No. 506 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 542.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 542:

YEAS—42.

NAYS—None.

Assembly Bill No. 542 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 570.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 570:

YEAS—42.

NAYS—None.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 255.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 896.

Amend section 1, page 1, line 4, by deleting "*central repository*" and inserting "*standardized system*".

Amend section 1, page 1, line 6, by deleting "*repository*" and inserting "*standardized system*".

Amend section 1, page 1, line 22, by deleting "*repository*" and inserting "*standardized system*".

Amend section 1, page 2, line 13, by deleting "*repository*" and inserting "*standardized system*".

Amend sec. 2, page 2, line 34, by deleting "*repository*" and inserting "*standardized system*".

Amend sec. 3, page 4, line 2, by deleting "*repository*" and inserting "*standardized system*".

Amend sec. 4, page 4, by deleting lines 3 through 5 and inserting:

"Sec. 4. 1. The administrator of the division of child and family services of the department of human resources shall:

(a) Ensure that the regulations required pursuant to subsection 4 of section 1 of this act are in effect on or before July 1, 1996.

(b) Ensure that the specific requirements for the format and timing of reports of relevant information required pursuant to subsection 4 of section 1 of this act are in effect on or before July 1, 1996.

(c) Ensure that during the period between July 1, 1996, and July 1, 1997, the actual process for collecting and reporting information pursuant to section 1 of this act is adequately tested and, if necessary, revised to ensure accuracy and effectiveness.

(d) Submit, on or before January 31, 1997, to the director of the legislative counsel bureau for distribution to the members of the standing committees on finance and ways and means a detailed report which describes:

(1) The standardized method of reporting the data and its design;

(2) The results of any tests conducted pursuant to paragraph (c) of this subsection;

(3) Any barriers that have been identified regarding the full operation of the standardized system of collecting and reporting the required data; and

(4) An estimate of any additional expenditures which are necessary for the full implementation of the standardized system of collecting and reporting the required data.

(e) Submit, on or before May 1, 1997, to the director of the legislative counsel bureau for distribution to the members of the standing committees on finance and ways and means a sample copy of a report produced from the actual operation of the standardized system.

(f) Ensure that the standardized system required pursuant to section 1 of this act is operational on July 1, 1997.

2. Notwithstanding the absence of administrative regulations which govern the collection and reporting of data, each juvenile court and juvenile probation officer shall fully cooperate with the division of child and family services of the department of human resources as the division establishes the standardized system and the regulations necessary for its operation by submitting any related information requested by the division and providing any other related assistance which is requested. The regulations of the division once effective must, thereafter, govern the manner in which the juvenile courts and juvenile probation officers cooperate and assist in the operation of the standardized system.".

Amend the title of the bill, second line, by deleting: "central repository for" and inserting: "standardized system of".

Amend the summary of the bill, first line, by deleting: "central repository for" and inserting: "standardized system of".

Assemblyman Tiffany moved the adoption of the amendment.

Remarks by Assemblyman Tiffany.

Assemblyman Perkins moved that Assembly Bill No. 255 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Perkins.

Motion carried.

Senate Bill No. 180.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 180:

YEAS—41.

NAYS—None.

Not voting—Lambert.

Senate Bill No. 180 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended and that Assembly Bills Nos. 439, 444, 506, 542, 570 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 206.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Senate Bill No. 206:

YEAS—42.

NAYS—None.

Senate Bill No. 206 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 209.

Bill read third time.

Remarks by Assemblyman Allard.

Conflict of interest declared by Assemblyman Spitler.

Roll call on Senate Bill No. 209:

YEAS—41.

NAYS—None.

Not voting—Spitler.

Senate Bill No. 209 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 212.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 212:

YEAS—41.

NAYS—None.

Not voting—Harrington.

Senate Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 215.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Senate Bill No. 215:

YEAS—41.

NAYS—None.

Not voting—Spitler.

Senate Bill No. 215 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 343.

Bill read third time.

Remarks by Assemblymen Bache, Price, Krenzer, Ernaut, Segerblom and Humke.

Roll call on Senate Bill No. 343:

YEAS—39.

NAYS—Price.

Not voting—Lambert, Spitler.

Senate Bill No. 343 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 460.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Senate Bill No. 460:

YEAS—42.

NAYS—None.

Senate Bill No. 460 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 255.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 896.

Amend section 1, page 1, line 4, by deleting "*central repository*" and inserting "*standardized system*".

Amend section 1, page 1, line 6, by deleting "*repository*" and inserting "*standardized system*".

Amend section 1, page 1, line 22, by deleting "*repository*" and inserting "*standardized system*".

Amend section 1, page 2, line 13, by deleting "*repository*" and inserting "*standardized system*".

Amend sec. 2, page 2, line 34, by deleting "*repository*" and inserting "*standardized system*".

Amend sec. 3, page 4, line 2, by deleting "*repository*" and inserting "*standardized system*".

Amend sec. 4, page 4, by deleting lines 3 through 5 and inserting:

"Sec. 4. 1. The administrator of the division of child and family services of the department of human resources shall:

(a) Ensure that the regulations required pursuant to subsection 4 of section 1 of this act are in effect on or before July 1, 1996.

(b) Ensure that the specific requirements for the format and timing of reports of relevant information required pursuant to subsection 4 of section 1 of this act are in effect on or before July 1, 1996.

(c) Ensure that during the period between July 1, 1996, and July 1, 1997, the actual process for collecting and reporting information pursuant to section 1 of this act is adequately tested and, if necessary, revised to ensure accuracy and effectiveness.

(d) Submit, on or before January 31, 1997, to the director of the legislative counsel bureau for distribution to the members of the standing committees on finance and ways and means a detailed report which describes:

(1) The standardized method of reporting the data and its design;

(2) The results of any tests conducted pursuant to paragraph (c) of this subsection;

(3) Any barriers that have been identified regarding the full operation of the standardized system of collecting and reporting the required data; and

(4) An estimate of any additional expenditures which are necessary for the full implementation of the standardized system of collecting and reporting the required data.

(e) Submit, on or before May 1, 1997, to the director of the legislative counsel bureau for distribution to the members of the standing committees on finance and ways and means a sample copy of a report produced from the actual operation of the standardized system.

(f) Ensure that the standardized system required pursuant to section 1 of this act is operational on July 1, 1997.

2. Notwithstanding the absence of administrative regulations which govern the collection and reporting of data, each juvenile court and juvenile probation officer shall fully cooperate with the division of child and family services of the department of human resources as the division establishes the standardized system and the regulations necessary for its operation by submitting any related information requested by the division and providing any other related assistance which is requested. The regulations of the division once effective must, thereafter, govern the manner in which the juvenile courts and juvenile probation officers cooperate and assist in the operation of the standardized system.".

Amend the title of the bill, second line, by deleting: "central repository for" and inserting: "standardized system of".

Amend the summary of the bill, first line, by deleting: "central repository for" and inserting: "standardized system of".

Assemblyman Tiffany moved the adoption of the amendment.

Remarks by Assemblyman Tiffany.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Joint Resolution No. 17, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 584, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 641, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 152, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 482, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 566, 692; Senate Bills Nos. 476, 522, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 194, 225, 228, 236, 246, 253, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 12, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 105, 182, and respectfully requests your honorable body to concur in said amendements.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 549.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 130, 531.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 10.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 12, 194, 225, 228, 236, 253, 288, 512, 540, 566, 584, 610, 612, 617, 641, 677, 692; Assembly Joint Resolution No. 38; Senate Bills Nos. 375, 399, 476, 513, 522; Senate Joint Resolution No. 17 be placed on the Second Reading File.

Motion carried.

Assemblyman Carpenter moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:08 p.m.

ASSEMBLY IN SESSION

At 12:17 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 10.

Assemblyman Perkins moved that the resolution be referred to the Committee on Government Affairs.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 714—An Act relating to limitation of actions; reducing the period during which a cause of action to recover damages for personal injury or wrongful death may be commenced against the State of Nevada or any of its officers or employees; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Judiciary:

Assembly Bill No. 715—An Act relating to unfair employment practices; revising the provisions governing appeals from final judgments in actions for age discrimination in employment; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 716—An Act relating to wildlife; authorizing the board of wildlife commissioners to accept sealed bids for or to auction a certain number of wild turkey tags each year; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 717—An Act relating to storage tanks; providing criteria for determining whether discharged petroleum needs to be cleaned up and whether payment for the work should be made; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Goldwater and Buckley:

Assembly Bill No. 718—An Act relating to public construction projects; requiring the posting of signs containing certain information relating to projects for public highway, road and bridge construction; and providing other matters properly relating thereto.

Assemblyman Goldwater moved that the bill be referred to the Committee on Transportation.

Motion carried.

By Assemblyman Price:

Assembly Bill No. 719—An Act relating to elections; prohibiting the establishment of an election precinct unless it contains a certain number of registered voters; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 720—An Act relating to agriculture; creating a garlic and onion growers' advisory board and providing its duties; providing for the levying of assessments upon all garlic and onions grown in this state; establishing a garlic and onion research and promotion fund; providing a penalty; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By the Committee on Government Affairs:

Assembly Bill No. 721—An Act relating to fire protection districts; providing as an alternative for the election of directors of fire protection districts at large without precincts; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 130.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 531.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 549.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:23 p.m.

ASSEMBLY IN SESSION

At 12:45 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 722—An Act relating to certified court reporters; increasing certain fees due to such reporters; authorizing parties to an action in a district court to provide a certified court reporter to transcribe proceedings which a judge has ordered transcribed by sound recording equipment; authorizing the appointment of certified court reporters as notaries public with the limited powers of administering oaths and affirmations; revising the definition of "notorial act"; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 12.

Bill read second time.

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

Amendment No. 778.

Amend section 1, page 1, line 1, by deleting the colon and inserting: "certain exemptions from laws governing public contracts are necessary to allow the department of transportation and Douglas County to make arrangements with private persons to design, obtain permits for, construct, operate,

maintain and repair storm water treatment and disposal facilities located in Stateline, Nevada, because of the unique and special conditions of the Lake Tahoe Basin. The legislature further finds and declares that:".

Amend section 1, page 1, line 10, by deleting "Businesses" and inserting: "The department of transportation, Douglas County and businesses".

Amend section 1, page 1, by deleting lines 15 and 16 and inserting:

"5. A draft of an agreement entitled the "Stateline Regional Storm Water Treatment and Disposal System Agreement"."

Amend section 1, page 1, line 17, by deleting "tem" ".

Amend section 1, page 1, line 22, after "of the" by inserting: "need for cooperation between public and private entities and the".

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

"Sec. 2. 1. The department of transportation and Douglas County may enter into contracts and agreements with private persons to design, obtain permits for, construct, operate, maintain and repair storm water treatment and disposal facilities which collect, transport and dispose of rainfall and other storm waters in Stateline, Nevada.

2. Notwithstanding any other provision of law, the department of transportation and Douglas County are exempt from the provisions of chapters 332, 333 and 338 of NRS for the purposes of entering into contracts and agreements pursuant to subsection 1.

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

Amend the title of the bill to read as follows:

"An Act relating to the Lake Tahoe Basin; authorizing the department of transportation and Douglas County to enter into contracts and agreements with private persons to design, obtain permits for, construct, operate, maintain and repair storm water treatment and disposal facilities located in Stateline, Nevada; exempting the department of transportation and Douglas County from certain laws governing public contracts when entering into such contracts and agreements; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes construction and maintenance of storm water treatment and disposal facilities within Lake Tahoe Basin. (BDR S-319)".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 194.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 897.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 11, following the enacting clause, to read as follows:

"Section 1. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 7, inclusive, of this act, "committee" means a legislative committee for the fundamental review of the base budgets of state agencies.*

Sec. 3. *1. If:*

(a) The legislature, by concurrent resolution, during a regular legislative session; or

(b) The interim finance committee, by resolution, while the legislature is not in regular session,

determines that the performance of a fundamental review of the base budget of a particular agency is necessary, the legislative commission shall create a legislative committee for the fundamental review of the base budgets of state agencies. The legislative commission may create more than one such committee if the number of agencies designated for review warrants additional committees. If more than one such committee is created, the legislative commission shall determine which agencies are to be reviewed by the respective committees.

2. Each such committee must consist of an equal number of members of the senate and the assembly. The majority leader of the senate and the speaker of the assembly shall appoint the members of a committee. At least a majority of the members of a committee must be members of the interim finance committee. The legislative commission shall designate the chairman of a committee.

3. Any member of a committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the next session of the legislature is convened.

4. Vacancies on a committee must be filled in the same manner as original appointments.

5. A majority of the members appointed to a committee constitutes a quorum.

6. The director of the legislative counsel bureau shall assign employees of the legislative counsel bureau to provide such technical, clerical and operational assistance to a committee as the functions and operations of the committee may require.

Sec. 4. *1. The members of a committee shall meet throughout each year at the times and places specified by a call of the chairman or a majority of the committee. The director of the legislative counsel bureau or a person he has designated shall act as the nonvoting recording secretary.*

2. Except during a regular or special session of the legislature, members of a committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the committee or is otherwise engaged in the business of the committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

3. The salaries and expenses of a committee must be paid from the legislative fund.

Sec. 5. *1. A committee shall, during the legislative interim, perform a fundamental review of the base budget of each state agency assigned to it for review.*

2. A committee may request the state agency under review and any other agency to submit information, analyses and reports which are pertinent to the reviews conducted pursuant to this section. Each agency of the state shall cooperate fully and provide the material requested within the period specified by a committee.

3. A committee shall, before the convening of the next regular session of the legislature, transmit a report of each review conducted pursuant to this section, and any related recommendations, to the legislative commission.

Sec. 6. *1. In conducting the investigations and hearings of a committee:*

(a) The secretary of the committee or, in his absence, any member designated by the committee may administer oaths.

(b) The secretary or chairman of the committee may cause the deposition of witnesses, residing either within or outside of the state, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

(c) The chairman of the committee may issue subpoenas to compel the attendance of witnesses and the production of books and papers.

2. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena, the chairman of the committee may report to the district court by petition, setting forth that:

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

(b) The witness has been subpoenaed by the committee pursuant to this section; and

(c) The witness has failed or refused to attend or produce the books and papers required by the subpoena before the committee which is named in the subpoena, or has refused to answer questions propounded to him,

and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the committee.

3. Upon such a petition, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not attended or testified or produced the books or papers before the committee. A certified copy of the order must be served upon the witness.

4. If it appears to the court that the subpoena was regularly issued by the committee, the court shall enter an order that the witness appear before the committee at the time and place fixed in the order and testify or produce the required books or papers. Failure to obey the order constitutes contempt of court.

Sec. 7. *Each witness who appears before a committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this state. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the secretary and chairman of the committee.*

Sec. 8. *1. Except as otherwise provided in subsection 2, the interim finance committee may exercise the powers conferred upon it by law only when the legislature is not in regular or special session.*

2. During a regular session the interim finance committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 328.480, subsection 1 of NRS 341.145, NRS 353.220, 353.224 and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, subsection 6 of NRS 445.700 and NRS 538.650. In performing those duties, the senate standing committee on finance and the assembly standing committee on ways and means may meet separately and transmit the results of their respective votes to the chairman of the interim finance committee to determine the action of the interim finance committee as a whole.

3. If the interim finance committee determines that a fundamental review of the base budget of a state agency is necessary, it shall, by resolution, notify the legislative commission of that finding for assignment of the review to a legislative committee for the fundamental review of the base budgets of state agencies established pursuant to section 3 of this act.

Sec. 9. NRS 218.610 is hereby amended to read as follows:

218.610 As used in NRS 218.610 to 218.735, inclusive, *and section 8 of this act,* "agency of the state" includes all offices, departments, boards, commissions or institutions of the state, and the state industrial insurance system.

Sec. 10. NRS 218.6825 is hereby amended to read as follows:

218.6825 1. There is hereby created in the legislative counsel bureau an interim finance committee composed of the members of the assembly standing committee on ways and means and the senate standing committee on finance during the current or immediately preceding session of the legislature. The immediate past chairman of the senate standing committee on finance is the chairman of the interim finance committee for the period ending with the convening of each even-numbered regular session of the legislature. The immediate past chairman of the assembly standing committee on ways and means is the chairman of the interim finance committee during the next legislative interim, and the chairmanship alternates between the houses of the legislature according to this pattern.

2. If any regular member of the committee informs the secretary that he will be unable to attend a particular meeting, the secretary shall notify the speaker of the assembly or the majority leader of the senate, as the case may be, to appoint an alternate for that meeting from the same house and political party as the absent member.

3. [The interim finance committee, except as otherwise provided in subsection 4, may exercise the powers conferred upon it by law only when the legislature is not in regular or special session.] The membership of any member who does not become a candidate for reelection or who is defeated for reelection continues until the next session of the legislature is convened.

4. [During a regular session the interim finance committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, subsection 3 of NRS 328.480, subsection 1 of NRS 341.145, NRS 353.220, 353.224 and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, subsection 6 of NRS 445.700 and NRS 538.650. In performing those duties, the senate standing committee on finance and the assembly standing committee on ways and means may meet separately and transmit the results of their respective votes to the chairman of the interim finance committee to determine the action of the interim finance committee as a whole.

5.] The director of the legislative counsel bureau shall act as the secretary of the interim finance committee.

[6.] *5.* A majority of the members of the assembly standing committee on ways and means and a majority of the members of the senate standing committee on finance, jointly, may call a meeting of the interim finance committee if the chairman does not do so.

[7.] *6.* In all matters requiring action by the interim finance committee, the vote of the assembly and senate members must be taken separately. [An action must not] *No action may* be taken unless it receives the affirmative vote of a majority of the assembly members and a majority of the senate members.

[8.] *7.* Except during a regular or special session of the legislature, each member of the interim finance committee and appointed alternate is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a committee meeting or is otherwise engaged in committee work plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. All such compensation must be paid from the contingency fund in the state treasury.

Sec. 11. This act becomes effective on July 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to the state budget; providing for the creation of one or more legislative committees for the fundamental review of the base budgets of state agencies; providing the duties and powers of such a committee; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides for fundamental review of base budgets of state agencies by legislature. (BDR 17-168)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 225.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 930.

Amend section 1, page 1, line 2, by deleting "$150,000" and inserting "$242,000".

Amend section 1, page 1, line 3, by deleting "teachers." and inserting: "teachers and other educational personnel to be expended as follows:

1. For the purchase and development of software and the full implementation of a computer system for the licensing of teachers and other educational personnel, including training of the staff of the licensing office of the department of education, $110,000;

2. To study the efficiency and the flow of work within the licensing office of the department of education, $50,000;

3. For computer hardware needed for the computer system for the licensing of teachers and other educational personnel, $71,000; and

4. For administrative costs incurred by the department of education in developing and implementing the computer system for the licensing of teachers and other educational personnel, $11,000.".

Amend the title of the bill, second line, by deleting "teachers;" and inserting: "teachers and other educational personnel;".

Amend the summary of the bill, second line, by deleting "teachers." and inserting: "teachers and other educational personnel.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 228.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 879.

Amend section 1, page 1, line 2, by deleting "$258,773" and inserting "$163,975".

Amend section 1, page 1, line 3, after "system" by inserting: "and related equipment".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 236.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 931.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting: "public safety the sum of $737,971 for the replacement of certain existing office equipment and computer hardware and software and for the purchase of new office and other equipment, weapons, holsters, protective vests and other security items, and computer hardware and software.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 253.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 877.

Amend section 1, page 1, line 2, by deleting "$278,254" and inserting "$246,646".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 288.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 866.

Amend the bill as a whole by renumbering section 1 as sec. 5 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. Chapter 213 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. The governor shall appoint a committee for oversight composed of:*

(a) One member from the office of the governor;

(b) One member from the office of the attorney general;

(c) The chief of police of a city or the sheriff of a county;

(d) A district attorney;

(e) A public defender, state or county; and

(f) At least two, but not more than five, nonvoting representatives from programs for repeating offenders, one from a law enforcement agency in each county whose population is 100,000 or more which has had such a program for at least 1 year before July 1, 1995, and one from a law enforcement agency of a county whose population is less than 100,000.

2. The committee shall meet at least twice a year to review the operation of parole and make such recommendations to the governor as it considers appropriate.

3. The committee is entitled to access to all files and other information possessed by or available to the board and its employees, the division, the department of motor vehicles and public safety and the department of prisons, and may call before it and question any employee of those departments or divisions, in addition to any employee of any law enforcement agency operating within the state.

4. Any testimony required by or presented to the committee is not a waiver of the employee's rights under chapter 289 of NRS.

Sec. 3. *1. The governor may impanel a special personnel board to deal with issues involving members and employees of the board.*

2. The special personnel board must consist of three members appointed as follows:

(a) One member from the civil service commission of the second largest city in the state;

(b) One member from the similar board of the largest city in the state or of the metropolitan police department of the largest county in the state; and

(c) One member from a similar city or county board selected by the governor.

3. The special personnel board shall conduct inquiries or investigations as directed by the governor. The board shall provide a written report, with recommendations, to the governor as soon as practicable after the conclusion of its deliberations.

4. The department of motor vehicles and public safety shall provide investigative assistance to the special personnel board when requested.

Sec. 4. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.160, inclusive, *sections 2 and 3 of this act* and section 5 of [this act,] *Senate Bill No. 61 of this session,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.
2. "Chief" means the chief parole and probation officer.
3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.
4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.
5. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief . [parole and probation officer.]".

Amend section 1, page 1, by deleting line 9 and inserting:

"4. *Each member of the board must have at least:*

(a) A bachelor's degree in criminal justice, law enforcement, sociology, psychology, social work, law or the administration of prisons or parole; or

(b) Ten years' experience in one or several of the fields specified in paragraph (a).

5. At least one member of the board must have experience in at least one, so that among them the members have experience in all, of the following:

(a) Management of prisons;

(b) Management of police forces, including investigation;

(c) Management of personnel in parole and probation; and

(d) Social work or therapy with emphasis on family counseling, domestic violence and urban social problems.

6. During his term of service on the board, each member must attend an aggregate of 10 hours of courses in each year, in any combination of the following:

(a) Programs of correctional treatment, alternative punishments for disobedience, selection of offenders for parole and supervision of parolees;

(b) Abuse of alcohol and controlled substances, the acquired immune deficiency syndrome, domestic violence, mental illness or mental retardation; and

(c) Designation of and programs for repeating or professional offenders and problems related to gangs.

The board shall, within the limits of legislative appropriations, pay the expenses of members in attending these courses.

7. Except as otherwise provided in [subsection 5 and] NRS 213.133, a''.

Amend section 1, page 1, line 12, by inserting an open bracket before "5.".

Amend section 1, page 1, line 14, by deleting the brackets.

Amend section 1, page 1, by deleting lines 15 through 20.

Amend section 1, page 1, line 21, by deleting "*(d)*" and inserting "(c)".

Amend section 1, page 1, line 24, by inserting a closed bracket after the period.

Amend the bill as a whole by renumbering sections 2 and 3 as sections 10 and 11 and adding new sections designated sections 6 through 9, following section 1, to read as follows:

"Sec. 6. NRS 213.108 is hereby amended to read as follows:

213.108 1. The state board of parole commissioners is hereby created within the department of motor vehicles and public safety.

2. The board consists of seven members appointed by the governor.

3. A chairman of the board must be appointed by the governor. The chairman is the executive officer of the board and shall administer its activities and services and is responsible for its management except as otherwise provided in NRS 213.1085.

4. Each member of the board must have at least:

(a) A bachelor's degree in criminal justice, law enforcement, sociology, psychology, social work, law or the administration of prisons or parole; or

(b) Ten years' of experience in one or several of the fields specified in paragraph (a).

5. At least one member of the board must have experience in at least one, so that among them the members have experience in all, of the following:

(a) Management of prisons;

(b) Management of police forces, including investigation;

(c) Management of personnel in parole and probation; and

(d) Social work or therapy with emphasis on family counseling, domestic violence and urban social problems.

6. During his term of service on the board, each member must attend an aggregate of 10 hours of courses in each year, in any combination of the following:

(a) Programs of correctional treatment, alternative punishments for disobedience, selection of offenders for parole and supervision of parolees;

(b) Abuse of alcohol and controlled substances, the acquired immune deficiency syndrome, domestic violence, mental illness or mental retardation; and

(c) Designation of and programs for repeating or professional offenders and problems related to gangs.

The board shall, within the limits of legislative appropriations, pay the expenses of members in attending these courses.

7. *Upon appointment to the board, a member shall attend preparatory training in the subjects, and manner, provided in subsection 6.*

8. Except as otherwise provided in NRS 213.133, a decision on any issue before the board, concurred in by two or more members, is the decision of the board.

Sec. 7. NRS 213.133 is hereby amended to read as follows:

213.133 1. [In considering applications for parole,] *Except as otherwise provided in subsections 6 and 7,* the board may delegate its authority to hear, consider and act upon [the] applications *for parole and on any issue before the board* to [:

(a) One member of the board or a case hearing representative designated pursuant to the provisions of NRS 213.135, sitting as a referee; or

(b) A] *a* panel consisting of:

[(1)] *(a)* Two or more members of the board, two of whom constitute a quorum; *or*

[(2)] *(b)* A member of the board and a case hearing representative . [; or

(3) Two case hearing representatives.]

2. No action taken by any panel created pursuant to [paragraph (b) of] subsection 1 is valid unless concurred in by a majority vote of those sitting on the panel.

3. [As a condition of delegating its authority to a referee or panel, the board shall require that the] *The* decision of [the referee or panel be] *a panel is* subject to final approval by the affirmative action of a majority of the members appointed to the board. Such action may be taken at a meeting of the board, or without a meeting by the delivery of written approval to the secretary of the board.

4. The degree of complexity of issues presented must be taken into account before the board makes any delegation of its authority and before it determines the extent of a delegation.

5. The board shall adopt regulations which establish the basic types of delegable cases.

6. A hearing on an application for parole or any decision on an issue involving a person:

(a) Who committed a capital offense;

(b) Who is serving a sentence of imprisonment for life;

(c) Who has been convicted of a sexual offense involving the use or threat of use of force or violence;

(d) Who is a habitual criminal; or

(e) Whose sentence has been commuted by the state board of pardons commissioners,

must be conducted by at least three members of the board, and action may be taken only with the concurrence of at least four members.

7. If a recommendation made by a panel deviates from the standards adopted by the board pursuant to NRS 213.10987 or the recommendation of the division, the chairman must concur in the recommendation.

Sec. 8. NRS 213.135 is hereby amended to read as follows:

213.135 1. The board may, upon the basis of [qualification requirements] *qualifications* it deems pertinent and essential, establish and maintain a list of persons [who shall be considered] eligible to serve as case hearing representatives in the manner provided by NRS 213.133.

2. The chairman of the board may, as the necessities of the caseload demand, designate a person or persons from [such] *the* list to serve as a [case hearing representative, either as a referee or as a] member of a panel in the manner provided by NRS 213.133.

Sec. 9. Section 11 of Senate Bill No. 192 of this session is hereby amended to read as follows:

Sec. 11. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.160, inclusive, sections 2 and 3 of [this act and] *Assembly Bill No. 288 of this session,* section 5 of Senate Bill No. 61 of this session [,] *and sections 7 to 10, inclusive, of this act,* unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.

2. "Chief" means the chief parole and probation officer.

3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.

5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 3 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450;

(b) An attempt to commit any offense listed in paragraph (a); or

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

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.".

Amend sec. 2, page 2, line 3, after the period by inserting: "As the terms of the members of the state board of parole commissioners expire on or after July 1, 1995, and the appointment required by this section is made, the governor shall appoint members having qualifications required by NRS 213.108, as amended by this act, to the extent that other members of the state board of parole commissioners do not already possess those qualifications.".

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

"Sec. 11. 1. This section, sections 1 to 5, inclusive, and 7 to 10 inclusive, of this act become effective on July 1, 1995.

2. Section 6 of this act becomes effective on July 1, 1997.".

Amend the title of the bill to read as follows:

"An Act relating to parole; changing the number, qualifications, procedure and training of the state board of parole commissioners; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes affecting state board of parole commissioners. (BDR 16-922)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Assemblyman Anderson moved that Assembly Bill No. 288 be re-referred to the Committee on Judiciary.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Judiciary.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:55 p.m.

ASSEMBLY IN SESSION

At 12:57 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 246 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 512.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 743.

Amend sec. 3, page 1, line 16, by deleting: "*$30 for each day served, or*".

Amend sec. 3, page 1, line 17, by deleting: "*prisoner, whichever is less,*" and inserting "*prisoner*".

Amend sec. 6, page 2, by deleting lines 31 and 32 and inserting:

"*2. Except as otherwise provided in subsection 3, the prisoner shall pay the total amount due when the written demand is issued. The prisoner may arrange to make payments on a monthly basis. If such*".

Amend sec. 6, page 2, between lines 34 and 35, by inserting:

"*3. A court may order a prisoner to perform supervised work for the benefit of the community to satisfy the written demand for reimbursement. Each hour of work performed by the prisoner reduces the amount he owes by $8. If the prisoner does not satisfy the written demand for reimbursement within the time set by the court, the district attorney for a county or the city attorney for an incorporated city may file a civil action pursuant to section 7 of this act.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 540.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 820.

Amend section 1, page 1, line 3, by deleting "*$10,000*" and inserting "*$5,000*".

Amend sec. 2, page 1, line 24, by deleting "[$7,500] *$12,500*" and inserting "$7,500".

Amend sec. 2, page 2, line 8, by deleting "[$3,500] *$10,000*" and inserting "$3,500".

Amend sec. 2, page 2, between lines 8 and 9, by inserting:

"*If the sum claimed exceeds $3,500 but does not exceed $5,000* ..... *85.00*".

Amend the bill as a whole by deleting sec. 3.

Amend the title of the bill, third line, after "claims;" by deleting: "increasing the monetary limit of the jurisdiction of justices' court;".

Amend the summary of the bill, first line, after "to" by inserting "small".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 566.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 584.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 810.

Amend sec. 2, page 1, by deleting lines 5 and 6 and inserting:

"*2. The legislative commission shall appoint members of the advisory subcommittee from among the following:*".

Amend sec. 2, page 1, line 10, by deleting "*for*" and inserting "*that provide*".

Amend sec. 2, page 2, line 1, by deleting "*and*".

Amend sec. 2, page 2, line 2, by deleting "*revenue.*" and inserting "*revenue;*".

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

"*(q) The division of insurance of the department of business and industry;*

(r) Local government;

(s) Persons who have a disability;

(t) The state board of health; and

(u) Any other category of representation that the committee deems relevant.

3. Vacancies on".

Amend sec. 2, page 2, by deleting lines 11 and 12 and inserting: "*chairman of the subcommittee. If more than one member of the committee is appointed to serve on the subcommittee, the legislative commission shall*".

Amend sec. 2, page 2, by deleting lines 20 through 22 and inserting: "*of the chairman.*".

Amend sec. 3, page 2, between lines 46 and 47, by inserting:

"*4. Submit its findings and recommendations for legislation to the legislative committee on health care and the interim finance committee on or before October 1 of each even-numbered year.*".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 610.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 807.

Amend the bill as a whole by deleting sections 1 through 4 and the leadlines of repealed sections and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. 1. The department of education shall conduct a study concerning the need and appropriateness of certain courses of study required pursuant to chapter 389 of NRS.

2. The department of education shall consult with a representative of:

(a) The Nevada State Education Association;

(b) The Nevada Association of School Boards;

(c) The Nevada Association of School Administrators;

(d) The Nevada Parent Teachers Association; and

(e) Each county school district in this state,

concerning the courses of study required pursuant to chapter 389 of NRS and shall consider any advice or recommendations submitted by the representatives with respect to the study.

Sec. 2. The department of education shall, on or before January 15, 1997, submit to the director of the legislative counsel bureau for transmittal to the 69th session of the legislature a report of its findings and any recommendations for legislation.

Sec. 3. This act becomes effective on July 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to education; requiring the department of education to conduct a study concerning the need for certain required courses of study; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires department of education to conduct study of need for certain required courses of study. (BDR S-1877)".

Assemblyman Harrington moved the adoption of the amendment.

Remarks by Assemblyman Harrington.

Amendment adopted.

Assemblyman Williams moved that Assembly Bill No. 610 be re-referred to the Concurrent Committees on Education and Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Concurrent Committees on Education and Ways and Means.

Assembly Bill No. 612.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 756.

Amend sec. 2, page 1, by deleting lines 4 through 7 and inserting:

"Sec. 2. A program to assist young persons who have not graduated from high school or received certificates of equivalency to graduation to obtain education and skills necessary for their support is hereby established. The director of the department of employment, training and rehabilitation shall designate an employee of the department to manage the program.".

Amend sec. 3, page 1, by deleting lines 10 and 11 and inserting:

"2. Has not graduated from high school or received a certificate of".

Amend sec. 3, page 1, between lines 15 and 16, by inserting:

"4. Nothing in this section is intended to encourage young persons to drop out of school.".

Amend sec. 5, page 1, by deleting lines 20 and 21 and inserting:

"Sec. 5. 1. The manager of the program may make grants under this chapter to assist young persons in".

Amend sec. 6, page 2, line 16, by deleting "administrator" and inserting: "manager of the program".

Amend sec. 6, page 2, line 17, by deleting "people" and inserting "persons".

Amend sec. 6, page 2, line 19, by deleting "people" and inserting "persons".

Amend sec. 7, page 2, by deleting lines 23 through 28 and inserting: "chapter may be offered full-time participation for not more than 24 months.

2. If a person who participates in the program under this chapter is not attending high school, he must enroll in courses determined by the manager of the program to be satisfactory for the attainment of a high school diploma or its equivalent.".

Amend sec. 8, page 2, line 31, by deleting "administrator." and inserting: "manager of the program.".

Amend sec. 8, pages 2 and 3, by deleting lines 34 through 47 on page 2 and lines 1 through 20 on page 3 and inserting:

"(b) A description of the proposed site for the program; and

(c) A description of the educational and training activities, opportunities for employment and other services that will be provided to participants.".

Amend sec. 9, page 3, by deleting lines 22 through 24 and inserting: "manager of the program with information regarding the accomplishments of the participants. The information must be provided in reports as requested by the manager.".

Amend sec. 9, page 3, line 25, by deleting "administrator" and inserting: "manager of the program".

Amend sec. 10, page 3, by deleting lines 30 and 31 and inserting:

"Sec. 10. The manager of the program shall report annually to the interim finance committee concerning the progress of individual".

Amend sec. 11, page 3, line 35, by deleting "$250,000" and inserting "$400,000".

Amend the title of the bill to read as follows:

"An Act relating to employment; creating a program for the training of young persons who have not graduated from high school or received certificates of equivalency to graduation for employment in construction; making an appropriation; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "people" and inserting "persons".

Assemblyman Williams moved the adoption of the amendment.

Remarks by Assemblyman Williams.

Amendment adopted.

Assemblyman Williams moved that Assembly Bill No. 612 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 617.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 755.

Amend section 1, page 1, by deleting lines 1 through 10 and inserting:

"Section 1. 1. The board of trustees of each school district shall, on or before April 1, 1996, submit a report to the superintendent of public instruction regarding:

(a) The ability of the district to acquire new textbooks to meet its textbook replacement schedule;

(b) The name of each series of textbooks that has been in use in the district beyond the maximum period established in its textbook replacement schedule and the number of years beyond the maximum period that the series has been in use;

(c) The cost of purchasing textbooks for each subject matter taught in the district;

(d) The amount of money expended by the school district on purchasing new textbooks in the 1994-1995 school year;

(e) An estimate of the expenditures that would be necessary to enable the school district to meet its textbook replacement schedule in the 4 school years following the 1994-1995 school year; and

(f) Any additional information requested by the superintendent of public instruction.

2. The superintendent of public instruction shall compile the reports submitted by the school districts pursuant to subsection 1 and, on or before June 1, 1996, submit a summary of those reports to the director of the legislative counsel bureau for transmittal to the legislative commission and to the 69th session of the legislature.

3. The superintendent of public instruction shall recommend to the state board of education a sum to be appropriated by the legislature for the 1997-1999 biennium that would allow each school district to meet its textbook replacement schedule for all core curriculum courses in all grades.

4. As used in this section, "textbook replacement schedule" means a schedule established in each school district which sets forth the maximum period that it should maintain each series of textbooks.".

Amend the bill, page 1, by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, As a result of inadequate funding and the effects of nationwide inflation, school districts in Nevada are facing a crisis in their ability to purchase an adequate supply of textbooks for the number of pupils enrolled; now, therefore,".

Amend the title of the bill by deleting the second and third lines and inserting: "district to report to the superintendent of public instruction on the adequacy of its supply of textbooks and the expenditures necessary to maintain an adequate supply of textbooks; requiring the superintendent to transmit that information to the legislature and make recommendations to the state board of education; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires reporting to superintendent of public instruction and to legislature on adequacy of current supply of textbooks and expenditures necessary to maintain adequate supply of textbooks. (BDR S-1576)".

Assemblyman Manendo moved the adoption of the amendment.

Remarks by Assemblyman Manendo.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 641.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 765.

Amend section 1, page 1, lines 2 and 3, by deleting "*subsection 2,*" and inserting: "*subsections 2 and 3,*".

Amend section 1, page 1, by deleting lines 12 through 19 and inserting: "collecting] *may fix, impose and collect* a license tax on and from [such] *a* taxicab motor carrier for revenue purposes only.

3. The governing body of any incorporated city in any county in which the provisions of NRS 706.8811 to 706.885, inclusive, do not apply, whether incorporated by general or special act, or otherwise, may regulate by ordinance the qualifications required of employees or lessees of a taxicab motor carrier in a manner consistent with the regulations adopted by the public service commission of Nevada.".

Amend the title of the bill to read as follows:

"An Act relating to taxicab motor carriers; authorizing certain incorporated cities to regulate the qualifications of employees of certain taxicab motor carriers; and providing other matters properly relating thereto.".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Carpenter, Price, Giunchigliani, Goldwater and Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 677.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 692.

Bill read second time, ordered engrossed and to third reading.

Assembly Joint Resolution No. 38.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 375.

Bill read second time and ordered to third reading.

Senate Bill No. 399.

Bill read second time and ordered to third reading.

Senate Bill No. 476.
Bill read second time and ordered to third reading.

Senate Bill No. 513.
Bill read second time and ordered to third reading.

Senate Bill No. 522.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 17.
Resolution read second time and ordered to third reading.

Assembly Bill No. 246.
Bill read second time.
The following amendment was proposed by the Committee on Ways and Means:
Amendment No. 878.
Amend section 1, page 1, line 2, by deleting "$981,288" and inserting "$983,368".
Amend section 1, page 1, line 3, by deleting "84" and inserting "73".
Assemblyman Arberry moved the adoption of the amendment.
Remarks by Assemblyman Arberry.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman de Braga moved that the Assembly do not recede from its action on Senate Bill No. 230, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.
Remarks by Assemblyman de Braga.
Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen de Braga, Bache and Humke as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 230.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 135.
The following Senate amendment was read:
Amendment No. 686.
Amend sec. 5, pages 2 and 3, by deleting lines 42 through 48 on page 2 and line 1 on page 3, and inserting:
"Sec. 5. *The three commissioners from the State of Nevada may, by regulation, delegate to the director of the Western Interstate*".
Assemblyman Marvel moved that the Assembly concur in the Senate amendment to Assembly Bill No. 135.

Remarks by Assemblyman Marvel.
Motion carried.
Bill ordered enrolled.

Assembly Bill No. 182.
The following Senate amendment was read:
Amendment No. 782.
Amend section 1, page 1, line 1, by deleting "There" and inserting "1. There".
Amend section 1, page 1, line 5, by deleting "1136." and inserting: "1136, but may not be used until all of the money transferred to the supreme court pursuant to section 2 of this act has been committed for expenditure.
2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1995, and reverts to the state general fund as soon as all payments of money committed have been made.".
Amend sec. 3, page 1, line 16, by deleting "30," and inserting "29,".
Assemblyman Marvel moved that the Assembly concur in the Senate amendment to Assembly Bill No. 182.
Remarks by Assemblyman Marvel.
Motion carried.
Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 57, 62, 411, 427; Assembly Concurrent Resolution No. 44; Senate Bills Nos. 98, 141, 293; Senate Concurrent Resolution No. 48.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Hale.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, June 13, 1995 at 11 a.m.
Motion carried.

Assembly adjourned at 1:28 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly
LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FORTY-NINTH DAY

CARSON CITY (Tuesday), June 13, 1995

Assembly called to order at 11:11 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, Lorraine Turtle of the Navajo Nation.

Hello, my name is Lorraine Turtle, a full-blooded Navajo. I want to say a prayer in my own language. When I was a young girl, my grandfather told me that some day in the future you will be asked to pray. You have your own native tongue which you pray with, that way the Creator knows who you are and what you are asking for. My husband is not here today. He was going to do this prayer. He is a Southern Cheyenne from Oklahoma. I have this young man over here who is going to help me by burning cedar. I would like you to smell the cedar and wave your hand four times through the smoke. You will feel it within you that a blessing has been received. This is the Indian way which we have. I like to stay with my own culture. I'm going to say a very good prayer for all of you. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:19 a.m.

ASSEMBLY IN SESSION

At 11:22 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bills Nos. 409, 523, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 93, 163, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Government Affairs.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 117, 483, 597, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 116, 130, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 630, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 594, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA TIFFANY, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 373, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 497, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Commerce, to which was referred Assembly Bill No. 613, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 644, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 681, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 12, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 39, 72, 184, 234, 368, 382, 403, 448, 453.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 131, 188.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 272.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 723—An Act relating to wildlife; revising the provisions governing the membership of the county advisory boards to manage wildlife; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bills Nos. 12, 194, 225, 228, 236, 246, 253, 255, 512, 540, 584, 617, 641 be placed at the top of the General File.

Motion carried.

Assemblyman Bache moved that Assembly Bill No. 198 be placed on the General File immediately following Assembly Bill No. 692.

Motion carried.

Assemblyman Stroth moved that Senate Joint Resolution No. 17 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Stroth.

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:28 a.m.

ASSEMBLY IN SESSION

At 11:57 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 12.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Assembly Bill No. 12:

YEAS—42.

NAYS—None.

Assembly Bill No. 12 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 194.

Bill read third time.

Remarks by Assemblymen Evans, Ernaut and Buckley.

Roll call on Assembly Bill No. 194:

YEAS—42.

NAYS—None.

Assembly Bill No. 194 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 225.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Potential conflicts of interest declared by Assemblymen Giunchigliani, Anderson, Bache and Williams.

Roll call on Assembly Bill No. 225:

YEAS—42.

NAYS—None.

Assembly Bill No. 225 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 228.

Bill read third time.

Remarks by Assemblyman Fettic.

Roll call on Assembly Bill No. 228:

YEAS—37.

NAYS—Bennett, Harrington, Lambert, Monaghan, Steel—5.

Assembly Bill No. 228 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 236.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 236:

YEAS—42.

NAYS—None.

Assembly Bill No. 236 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 246.
Bill read third time.
Remarks by Assemblymen Marvel, Nolan and Mr. Speaker Hettrick.
Conflict of interest declared by Assemblyman Monaghan.
Roll call on Assembly Bill No. 246:
YEAS—39.
NAYS—Manendo, Schneider—2.
Not voting—Monaghan.

Assembly Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 253.
Bill read third time.
Remarks by Assemblyman Brower.
Roll call on Assembly Bill No. 253:
YEAS—42.
NAYS—None.

Assembly Bill No. 253 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 255.
Bill read third time.
Remarks by Assemblyman Tiffany.
Roll call on Assembly Bill No. 255:
YEAS—37.
NAYS—Bennett, Brower, Ohrenschall, Spitler, Steel—5.

Assembly Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 512 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Spitler.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 540.
Bill read third time.
Remarks by Assemblyman Schneider.
Roll call on Assembly Bill No. 540:
YEAS—42.
NAYS—None.

Assembly Bill No. 540 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 584.

Bill read third time.

Remarks by Assemblymen Goldwater, Close, Evans, Lambert and Freeman.

Potential conflicts of interest declared by Assemblymen Goldwater, Braunlin, Tiffany, Evans, Krenzer, Price, Close and Harrington.

Assemblymen Ernaut, Marvel and Allard moved the previous question.

Motion carried on a division of the house.

The question being on the passage of Assembly Bill No. 584.

Roll call on Assembly Bill No. 584:

YEAS—32.

NAYS—Bache, Bennett, Carpenter, Giunchigliani, Humke, Lambert, Schneider, Spitler—8.

Not voting—Close, Harrington—2.

Assembly Bill No. 584 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 617.

Bill read third time.

Remarks by Assemblyman Manendo.

Assemblyman Arberry moved that Assembly Bill No. 617 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Arberry.

Motion carried.

Assembly Bill No. 641.

Bill read third time.

Remarks by Assemblymen Carpenter, Giunchigliani and Dini.

Roll call on Assembly Bill No. 641:

YEAS—35.

NAYS—Brower, Close, Giunchigliani, Monaghan, Schneider, Spitler, Steel—7.

Assembly Bill No. 641 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 152.

Bill read third time.

Remarks by Assemblyman Schneider.

Potential conflicts of interest declared by Assemblymen Schneider, Price, Nolan, Tiffany, Stroth, Braunlin, Allard and Buckley.

Roll call on Assembly Bill No. 152:

YEAS—42.

NAYS—None.

Assembly Bill No. 152 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 482.

Bill read third time.
Remarks by Assemblymen Freeman and Manendo.
Potential conflict of interest declared by Assemblyman Monaghan.
Roll call on Assembly Bill No. 482:
YEAS—39.
NAYS—Harrington, Tiffany—2.
Not voting—Monaghan.

Assembly Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 491.
Bill read third time.
Remarks by Assemblymen Freeman, Humke, Harrington, Steel and Buckley.
Roll call on Assembly Bill No. 491:
YEAS—38.
NAYS—Allard, Brower, Marvel, Mr. Speaker Dini—4.

Assembly Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 566.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Assembly Bill No. 566:
YEAS—42.
NAYS—None.

Assembly Bill No. 566 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 677.
Bill read third time.
Remarks by Assemblyman Steel.
Roll call on Assembly Bill No. 677:
YEAS—42.
NAYS—None.

Assembly Bill No. 677 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assembly Bill No. 692.
Bill read third time.
Remarks by Assemblyman Fettic.
Roll call on Assembly Bill No. 692:
YEAS—42.
NAYS—None.

Assembly Bill No. 692 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 198.

Bill read third time.

Remarks by Assemblymen Bache, Steel, Dini and Price.

Roll call on Assembly Bill No. 198:

YEAS—22.

NAYS—Allard, Batten, Bennett, Carpenter, Close, Evans, Giunchigliani, Marvel, Monaghan, Nolan, Perkins, Price, Sandoval, Schneider, Spitler, Steel, Stroth, Tiffany, Tripple, Mr. Speaker Hettrick—20.

Assembly Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 38.

Resolution read third time.

Remarks by Assemblyman Steel.

Roll call on Assembly Joint Resolution No. 38:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 38 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bills Nos. 116, 117, 130, 345, 483, 497, 594, 597, 613, 630, 644, 681; Senate Bills Nos. 93, 163, 409, 523 be placed on the Second Reading File.

Motion carried.

Assemblyman Ernaut gave notice that on the next legislative day he would move to reconsider the vote whereby Assembly Bill No. 198 was this day passed.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:09 p.m.

ASSEMBLY IN SESSION

At 1:18 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 484, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 13, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 24, 177, 221, 239, 308, 343, 381, 389, 469, 478.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 43, 297, 503, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 518.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolutions Nos. 20, 31.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 20.

Assemblyman Stroth moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Concurrent Resolution No. 31.

Assemblyman Stroth moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 518.

Assemblyman Stroth moved that the bill be referred to the Committee on Taxation.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 375.

Bill read third time.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:21 p.m.

ASSEMBLY IN SESSION

At 1:27 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Ernaut moved that Senate Bill No. 375 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bills Nos. 399, 476, 513, 522, 375 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Ernaut moved that the reading of the history on bills on the Second Reading File be dispensed with.

Remarks by Assemblyman Ernaut.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 116.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 880.

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

"Sec. 2. 1. There is hereby appropriated from the state general fund to the Nevada commission for women the sum of $10,000 for operating expenses.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1997, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 3. This act becomes effective upon passage and approval or on June 30, 1995, whichever occurs earlier.".

Amend the title of the bill, second line, after "women;" by inserting: "making an appropriation;".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 117.

Bill read second time.

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

Amendment No. 692.

Amend section 1, page 1, after line 25, by inserting:

"Sec. 1.012 Definition of emergency. As used in this charter, "emergency" means an unforeseen circumstance which requires immediate action, including, without limitation:

1. A disaster caused by fire, flood, earthquakes or other natural causes; or

2. Any impairment of the health and safety of the public.".

Amend section 1, page 3, line 16, by deleting "council" and inserting "board".

Amend section 1, page 6, by deleting lines 6 through 10 and inserting:

"3. In cases of emergency, final action may be taken immediately or at a special meeting called for that purpose by unanimous consent of the city council and no notice of the filing of the copies of the proposed ordinances with the city clerk need be published.".

Amend section 1, page 8, line 37, by deleting "council of" and inserting "board of".

Amend section 1, page 8, line 40, by deleting "council" and inserting "board".

Amend section 1, page 8, line 41, by deleting "council" and inserting "board".

Amend section 1, page 8, line 43, by deleting "council" and inserting "board".

Amend section 1, page 9, between lines 47 and 48, by inserting:

"Sec. 2.275 Powers of the city council: Railroads. The city council may:

1. License, regulate or prohibit the location, construction or laying of tracks of any railroad or streetcar in any public right of way.

2. Grant franchises to any person or corporation to operate a railroad or streetcar upon public rights of way and adjacent property.

3. Declare a nuisance and require the removal of the tracks of any railroad or streetcar in any public right of way.

4. Condemn rights of way for any public purpose across any railroad right of way.

5. Prescribe the length of time any public right of way may be obstructed by trains standing thereon.

6. Require railroad companies to fence their tracks and to construct cattle guards and crossings and to keep them in repair.

7. Require railroad companies to provide protection against injury to persons or property.

8. Compel railroad companies to raise or lower their tracks to conform to any grade established by the city.

9. Compel railroad companies to provide that drainage from property adjacent to their tracks not be impaired.".

Amend section 1, page 11, line 29, by deleting "vice chairman." and inserting: "mayor pro tempore.".

Amend section 1, page 11, line 47, by deleting "vice chairman." and inserting: "mayor pro tempore.".

Amend section 1, page 12, line 1, by deleting "vice chairman," and inserting: "mayor pro tempore,".

Amend section 1, page 12, line 8, by deleting "executive and".

Amend section 1, page 12, line 41, after "time." by inserting: "The city council shall reimburse the city clerk for the cost of his official bond.".

Amend section 1, page 14, line 5, by deleting "Municipal" and inserting "General".

Amend section 1, page 14, line 16, by deleting "1996," and inserting "2002,".

Amend section 1, page 14, between lines 20 and 21, by inserting:

Sec. 5.015 Primary elections; declaration of candidacy.

1. A candidate for any office to be voted for at an election held pursuant to section 5.010 of this charter must file an affidavit of candidacy with the city clerk not earlier than the first Tuesday in March nor later than 5 p.m. on the first Tuesday in June in each year in which the election is held. At the time of filing the affidavit of candidacy, the candidate must pay to the city clerk a fee of $25 for filing the affidavit of candidacy. All filing fees collected by the city clerk must be deposited to the credit of the general fund of the city.

2. If there are three or more candidates for any office to be filled at a general municipal election, a primary election for any such office must be held on the first Tuesday in September preceding the general election. If for any general municipal election there are two or fewer candidates for any office to be filled at that election, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the general election.

3. The names of the two candidates for mayor, municipal judge or a particular seat on the city council, as the case may be, who receive the highest number of votes in the primary election must be placed on the ballot for the general election.".

Amend section 1, page 16, line 5, by deleting "The" and inserting: "Except as otherwise provided in section 6.030 of this charter, the".

Amend section 1, page 16, by deleting lines 13 through 17 and inserting:

"6. Sanitary sewer projects;

7. Security walls;

8. Sidewalk projects;

9. Storm sewer projects;

10. Street projects;

11. Underground electric and communication facilities;

12. Underpass projects; and

13. Water projects.".

Amend section 1, page 16, lines 33 and 34, by deleting: "or special election called for that purpose." and inserting a period.

Amend section 1, page 17, lines 9 and 10, by deleting: "a special election called for that purpose or".

Amend section 1, page 17, line 35, by deleting "may" and inserting "shall".

Amend sec. 3, page 19, by deleting lines 5 through 9 and inserting:

"Sec. 3. 1. On November 7, 1995, an election must be held on the question of incorporation.".

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

"Sec. 9. If the incorporation is approved by the voters, an election must be held on November 5, 1996, to elect four members of the city council and the mayor and municipal judge of the city.

Sec. 10. 1. A person who wishes to become a candidate for any office to be voted for at the election held pursuant to section 9 of this act must:

(a) Reside within the boundaries of the city; and

(b) File an affidavit of candidacy with the county clerk not earlier than March 5, 1996, nor later than 5 p.m. on June 4, 1996.

2. At the time of filing the affidavit of candidacy pursuant to subsection 1, the candidate shall pay to the county clerk a fee of $25 for filing the affidavit. All filing fees collected by the county clerk must be deposited to the credit of the general fund of the county.

3. If there are three or more candidates for any office to be filled at the election held pursuant to section 9 of this act, a primary election for any such office must be held on September 3, 1996. If there are two or fewer candidates for any office to be filled at the election held pursuant to section 9 of this act, their names must not be placed on the ballot for the primary election but must be placed on the ballot for the election held pursuant to section 9 of this act.

4. The names of the two candidates for mayor, municipal judge or a particular seat on the city council, as the case may be, who receive the highest number of votes in the primary election must be placed on the ballot for the election held pursuant to section 9 of this act.

Sec. 11. The county clerk shall publish or cause to be published a notice of each of the elections held pursuant to sections 9 and 10 of this act in a newspaper of general circulation in the city. The notices must be published once each week for 3 consecutive weeks. If no newspaper of general circulation is published in the city, the county clerk shall post the notices in at least five public places in the city.".

Amend sec. 12, page 20, between lines 36 and 37, by inserting:

"2. The term of the municipal judge elected pursuant to section 9 of this act begins on July 1, 1997, and expires upon the election and qualification of the person initially elected to the office of municipal judge pursuant to subsection 3 of section 5.010 of this charter.".

Amend sec. 12, page 20, line 37, by deleting "2." and inserting "3.".

Amend sec. 17, page 21, line 37, by deleting "1996," and inserting "1997,".

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblyman Neighbors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 130.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 786.

Amend the bill as a whole by deleting sections 1 through 9, renumbering sec. 10 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 459.0093 is hereby amended to read as follows:

459.0093 1. The agency for nuclear projects is hereby created within the [state department of conservation and natural resources.] *office of the governor.* The agency consists of the commission and:

(a) The division of technical programs.

(b) The division of planning.

2. The governor shall appoint an executive director, who serves at the pleasure of the commission, and who must:

(a) Be appointed from a list of three persons submitted to the governor by the commission.

(b) Possess broad management skills related to the functions of the agency and have the ability to coordinate planning and communication among the Federal Government, the state and the local governments of this state on issues related to radioactive waste.

Sec. 2. NRS 232.090 is hereby amended to read as follows:

232.090 1. The department consists of the director and the following divisions:

(a) The division of water resources.

(b) The division of state lands.

(c) The division of forestry.

(d) The division of state parks.

(e) The division of conservation districts.

(f) The division of environmental protection.

(g) The division of water planning.

(h) The division of wildlife.

(i) Such other divisions as the director may from time to time establish.

2. The state environmental commission, the state conservation commission [, the agency for nuclear projects] and the board to review claims are within the department.".

Amend the title of the bill to read as follows:

"An Act relating to nuclear projects; transferring the agency for nuclear projects from the state department of conservation and natural resources to the office of the governor; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Transfers agency for nuclear projects to office of governor. (BDR 40-1566)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 345.

Bill read second time.

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

Amendment No. 696.

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

"Section 1. Section 4.015 of the charter of the City of Henderson, as added by chapter 231, Statutes of Nevada 1991, at page 513, is hereby amended to read as follows:

Sec. 4.015 Municipal court.

1. There is a municipal court of the city which consists of at least one department. Each such department must be presided over by a municipal judge and has such power and jurisdiction as is prescribed in, and is, in all respects which are not inconsistent with this charter, governed by chapters 5 and 266 of NRS which relate to municipal courts.

2. The city council may from time to time establish additional departments of the municipal court and shall appoint an additional municipal judge for each.

3. At the first general election which follows the appointment of an additional municipal judge to a newly created department of the municipal court, the successor to that municipal judge must be elected for a term of 2 , [or] 4 *or 6* years, as determined by the city council, [in order] to effectuate the intent of this provision that, as nearly as practicable, [one-half of the] *an equal* number of municipal judges [be] *are* elected every 2 years.

4. Each municipal judge must be voted upon by the registered voters of the city at large.

5. The respective departments of the municipal court must be numbered 1 through the appropriate arabic number, as additional departments are approved by the city council. A municipal judge must be elected for each department by number.

Sec. 2. Section 5.020 of the charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 67, Statutes of Nevada 1987, at page 133, is hereby amended to read as follows:

Sec. 5.020 General municipal election.

1. A general election must be held in the city on the first Tuesday after the first Monday in June of each odd-numbered year and on the same day every 2 years thereafter, at which time the registered voters of the city shall elect city officers to fill the available elective positions.

2. All candidates for the office of mayor, councilman and municipal judge must be voted upon by the registered voters of the city at large. The term of office for [members] :

(a) Members of the city council, including the mayor, [and the judges of the municipal court] is 4 years.

(b) Judges of the municipal court is 6 years.

Sec. 3. The amendatory provisions of this act do not affect the term of office of a municipal judge elected before October 1, 1995.".

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

"An Act relating to the City of Henderson; revising the provisions governing the term of office of a municipal judge; and".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing term of office of municipal judge of City of Henderson. (BDR S-751)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that Assembly Bill No. 345 be re-referred to the Committee on Government Affairs.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Government Affairs.

Assembly Bill No. 483.

Bill read second time.

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

Amendment No. 740.

Amend section 1, pages 1 and 2, by deleting lines 5 through 24 on page 1 and lines 1 through 3 on page 2, and inserting:

"*(b) Grant* all or part of the money to a private organization, not for profit, to be expended for the selected purpose.

(c) Loan money received from the Federal Government to a private organization for the selected purposes of the federal grant.

2. A grant to a private organization must be made by resolution which must specify:

(a) The purpose of the grant;

(b) The maximum amount to be expended from the grant; and

(c) Any conditions or other limitations upon its expenditure.".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 497.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 883.

Amend sec. 6, page 1, by deleting lines 22 and 23 and inserting: "ries of counseling, consultation, defining goals and developing a plan of action aimed toward the".

Amend sec. 6, page 2, line 1, after "social," by inserting: "cognitive, affective, behavioral,".

Assemblyman Schneider moved the adoption of the amendment.

Remarks by Assemblyman Schneider.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 594.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 869.

Amend section 1, page 1, by deleting line 17.

Amend section 1, page 1, line 18, by deleting "*8.*" and inserting "*7.*".

Amend sec. 3, pages 2 and 3, by deleting lines 12 through 48 on page 2 and lines 1 through 22 on page 3 and inserting:

"Sec. 3. (Deleted by amendment.)".

Amend sec. 6, page 3, by deleting lines 27 and 28 and inserting:

"Sec. 6. *"Good cause" means:*

1. Failure by a wholesaler to comply substantially with essential and reasonable requirements imposed on him by a supplier, or sought to be imposed by a supplier, if the requirements are not discriminatory as compared with requirements imposed on other similarly suited wholesalers either by their terms or in the manner of their enforcement.

2. Bad faith by the wholesaler in carrying out the terms of the franchise agreement.".

Amend sec. 9, page 4, by deleting line 29 and inserting:

"*(i) Has made an assignment for the benefit of creditors or a similar disposition of substantially all the assets of his franchise;*

(j) Or any other person who has a financial interest in the wholesaler has:

(1) Transferred or attempted to transfer the assets of the franchise, voting stock of the wholesaler or voting stock of any parent corporation of the wholesaler; or

(2) Changed or attempted to change the beneficial ownership or control of any such entity,

unless the wholesaler first notified the supplier in".

Amend sec. 9, page 4, line 31, by deleting "*(j)*" and inserting "*(k)*".

Amend sec. 12, page 5, by deleting line 19 and inserting:

"*4. Unless otherwise specified by contract between the supplier and wholesaler, a supplier shall not grant more than one franchise to a wholesaler for any brand of*".

Amend the title of the bill, first and second lines, by deleting: "prohibiting a person from holding a brewer's license and a brew pub's license at the same time;".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 597.

Bill read second time.

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

Amendment No. 777.

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

"Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

The governing body of a city or county which, pursuant to NRS 278.570, appoints a building inspector or authorizes an administrative official of the city or county to assume the functions of that position, may establish a program to allow independent contractors to review plans for and inspect buildings on behalf of that building inspector or administrative official.".

Amend the bill as a whole by deleting sections 3 through 7.

Assemblyman Harrington moved the adoption of the amendment.

Remarks by Assemblyman Harrington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 613.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 779.

Amend section 1, page 1, line 3, after "*insurer*" by inserting: "*that issues a policy of casualty or property insurance*".

Amend section 1, page 1, line 6, by deleting: "*each line of*" and inserting: "*issuing policies of casualty or property*".

Amend section 1, page 1, line 12, by deleting "*line of*" and inserting: "*policy of casualty or property*".

Amend the title of the bill to read as follows:

"An Act relating to insurance; requiring an authorized insurer that issues a policy of casualty or property insurance to file annually a report of its underwriting standards for issuing such policies offered by the insurer; requiring the commissioner of insurance to take certain action to require such an insurer to offer policies of casualty or property insurance in certain geographical areas in which coverage is denied; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, after "insurer" by inserting: "that issues policy of casualty or property insurance".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 630.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 644.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 801.

Amend the bill as a whole by deleting section 1, renumbering sections 2 through 5 as sections 4 through 7 and adding new sections designated as sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 466 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Resort hotel" means any building or group of buildings that is maintained as and held out to the public to be a hotel where sleeping accommodations are furnished to the transient public and that has:*

1. More than 1,000 rooms available for sleeping accommodations;

2. At least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises;

3. At least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days each week; and

4. A gaming area within the building or group of buildings.

Sec. 3. *1. Each licensee conducting racing with pari-mutuel wagering on greyhound races in a county whose population is 400,000 or more shall, in lieu of the tax otherwise imposed by NRS 466.125, pay to the commission a fee on all gross revenue, at the same time and rate and in the same manner as fees are paid pursuant to NRS 463.370.*

2. In addition, the licensee shall pay to the commission an amount equal to all costs of the board in the regulation of racing at his establishment as determined pursuant to a regulation adopted by the commission. The board shall estimate the costs and may require a deposit to be paid by the licensee in advance as a condition precedent to issuing a license. After the issuance of the license, the licensee shall remit the costs with his payment of fees on gross revenue, based upon the board's estimate. The board may adjust its estimate at any time upon 30 days' advance written notice to the licensee.

3. On or before July 31 of each year, the board shall provide the licensee with an itemized accounting of the costs incurred through June 30. If the board's actual costs are greater than the amount paid by the licensee, the licensee shall remit the difference within 30 days after receiving the itemized accounting from the board. If the board's actual costs are less than the amount paid by the licensee, then the board shall refund to the licensee the excess amount paid within 30 days. A licensee may file, pursuant to the procedures set forth in NRS 463.3883, a petition for redetermination of the itemized accounting of the costs within 30 days after the board provides the itemized accounting of costs if the petition is accompanied by payment in full of all costs itemized by the board. A petition for redetermination:

(a) May challenge only the accuracy of the itemized accounting of the costs of the licensee and the amount of fees on gross revenue owed by the licensee based on those costs; and

(b) May not challenge the extent or scope of the regulatory authority of the board.

4. Except as otherwise provided in this section, the fees on gross revenue and costs of regulation which a licensee conducting racing with pari-mutuel wagering on greyhound races is required to pay pursuant to this section are subject to the provisions in chapter 463 of NRS.

5. As used in this section, "gross revenue" means the total amount collected and not returned to patrons from pari-mutuel wagers on greyhound races.".

Amend sec. 2, page 2, line 13, by deleting: "*county license board of*" and inserting: "*track at which the greyhound racing will be held is located in*".

Amend sec. 2, page 2, by deleting lines 15 and 16 and inserting: "*on the premises of a resort hotel.*".

Amend sec. 3, page 2, line 26, by deleting "*is*" and inserting: "*or tracks are*".

Amend sec. 4, page 2, line 29, by deleting "*section 1*" and inserting "*section 3*".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 681.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 901.

Amend section 1, page 1, line 7, after "fingerprints" by inserting: "*to the central repository for Nevada records of criminal history for submission*".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblyman Nolan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 93.

Bill read second time and ordered to third reading.

Senate Bill No. 163.

Bill read second time and ordered to third reading.

Senate Bill No. 409.

Bill read second time and ordered to third reading.

Senate Bill No. 523.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 105.

The following Senate amendments were read:

Amendment No. 748.

Amend section 1, page 1, by deleting lines 3 through 13 and inserting:

"*1. The state board shall, by regulation, require to be included in the existing course of study for American government at the secondary level, instruction relating to violent and other crimes.*

2. The instruction must be developed respectively by the board of trustees of each school district and may include information regarding those acts that constitute violent and other crimes in the State of Nevada, the maximum punishments established by law for the commission of such acts and the physiological and psychological effects which a victim, and the family of a victim, of a violent crime may suffer.".

Amend sec. 2, page 1, line 14, by deleting "1996." and inserting: "1995, and expires by limitation on July 1, 1999.".

Amendment No. 855.

Amend section 1, page 1, line 3, by deleting "*shall,*" and inserting "*may,*".

Amend section 1, page 1, line 6, by deleting "*must*" and inserting "*may*".

Amend the title of the bill, first line, by deleting: "requiring each school district" and inserting: "authorizing the state board of education".

Amend the summary of the bill, first line, by deleting: "Requires each school district" and inserting: "Authorizes state board of education".

Assemblyman Williams moved that the Assembly do not concur in the Senate amendments to Assembly Bill No. 105.

Remarks by Assemblyman Williams.

Motion carried.

Bill ordered transmitted to the Senate.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 69, 135, 182, 315; Senate Bills Nos. 131, 188, 202, 213, 220, 221, 222, 265, 295, 313, 334, 357, 370, 373, 402, 423, 440, 465, 469; Senate Concurrent Resolution No. 49.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Phillip Hubbard.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Laura Williams.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Jeanne Johnson.

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Max Bunch.

Assemblyman Ernaut moved that the Assembly adjourn until Wednesday, June 14, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 1:52 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTIETH DAY

CARSON CITY (Wednesday), June 14, 1995

Assembly called to order at 11:10 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, it's been a long winter, a long session, long meetings and long prayers. Please teach us the blessing of brevity. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 404; Senate Bills Nos. 248, 539, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 83, has had the same under consideration, and begs leave to report the same back without recommendation.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 502, 642; Assembly Joint Resolution No. 33, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 415, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 527, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JEANNINE STROTH, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 12, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 454.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 13, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 361, 531, 547, 553, 554, 567, 603.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 131 and requests a conference, and appointed Senators James, Titus and McGinness as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 26, 35, 36.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 494.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Joint Resolution No. 7.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Joint Resolution No. 41—Urging Congress and the Secretary of Agriculture to support the Conservation Biology of Rangelands Research Unit.

Assemblyman de Braga moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

By Assemblymen Buckley, Goldwater, Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams:

Assembly Concurrent Resolution No. 45—Memorializing former Assemblyman and civic leader, George Rudiak.

WHEREAS, On April 8, 1995, the people of Nevada lost a respected and distinguished former Assemblyman with the passing of George Rudiak; and

WHEREAS, George Rudiak was born in the Soviet Union on March 27, 1915, and moved with his parents to the United States when he was 5 years old; and

WHEREAS, George Rudiak grew up in Southern California and after attending the University of California at Los Angeles, he received his law degree from the University of California at Berkeley in 1940; and

WHEREAS, George Rudiak served his country in the United States Army Air Corps before moving to Las Vegas with his wife, Gertrude, in 1946; and

WHEREAS, In 1952, George Rudiak was elected to the Nevada Assembly and served as Chairman of the Assembly Standing Committee on Banks, Corporations and Insurance,

as Vice Chairman of the Assembly Standing Committee on Labor and as a member of the Assembly Standing Committee on Judiciary during the 46th session of the Nevada Legislature; and

WHEREAS, While serving in the Legislature, George Rudiak introduced civil rights legislation which lost by only one vote; and

WHEREAS, George Rudiak was an active participant in Nevada's Democratic party and was honored by being selected as Nevada's delegate to the Democratic Convention that nominated John Fitzgerald Kennedy; and

WHEREAS, George Rudiak was the first Chairman of the Nevada Civil Rights Commission and was also Nevada's representative to the National Board of the American Civil Liberties Union; and

WHEREAS, In 1988, George Rudiak was named Civil Libertarian of the Year by the Nevada affiliate of the American Civil Liberties Union; and

WHEREAS, As an attorney in private practice, George Rudiak represented organized labor and was always willing to pursue justice when a person's civil rights were threatened or violated; and

WHEREAS, A devoted family man, George Rudiak is survived by his wife, Gertrude, his daughter, Geri Rentchler, and his four sons, Andrew, David, Richard and Arthur, and eight grandchildren; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 68th session of the Nevada Legislature express their deepest sympathy and heartfelt condolences to the family of George Rudiak; and be it further

RESOLVED, That George Rudiak will long be remembered as a man who was a pillar of his community and who fought for and strongly believed in the civil rights of all Americans; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to George Rudiak's loving wife, Gertrude.

Assemblyman Goldwater moved the adoption of the resolution.

Remarks by Assemblymen Goldwater, Ohrenschall and Segerblom.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. George Rudiak was a fine Nevadan. He was a very good friend of my father; a good friend of mine. He represented what's good in all of us. He stood for believing in everyone's ability to succeed. He was a fine lawyer of impeccable character. He fought for labor; people's right to work in safe environments in this state. He was an outstanding civil libertarian. This resolution points out what a contribution he has made to this state. I urge this body to read this resolution; read what George Rudiak stood for. Let us see if we can't absorb some of the things he stood for. I urge this body to adopt Assembly Concurrent Resolution No. 45.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 45. George Rudiak was an example to every young lawyer who got admitted to the Bar in Southern Nevada. He showed us how to practice law; how to do pro bono work to help people less fortunate than they were; how to be a community activist, to look at your community to make it a better place; and, at the same time, how to look at and be a good business person. George Rudiak was all of these. He was an excellent family man. I knew him and had the honor of working with him. I really feel the loss his wife, Gertrude, must feel at having lost him. My heart goes out to his daughter and granddaughter, Danny Rentchler. We really should adopt this resolution. I urge everyone to vote for it.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. I would like to speak in favor of Assembly Concurrent Resolution No. 45. I knew George Rudiak back in the 1950s when it was alright to be a liberal. We were both liberals. Of course, I still am. George Rudiak was such a good

friend and sponsored everything I believed in. He was a neighbor of my son, and so we kept in touch with him as best as possible. I'm very anxious that you support this resolution.

Resolution adopted unanimously.

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Concurrent Resolution No. 46—Urging the Division of Wildlife of the State Department of Conservation and Natural Resources to prepare a statewide elk management plan.

Assemblyman de Braga moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 494.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Mr. Speaker presiding.

Quorum present.

SPECIAL ORDERS OF THE DAY

The hour of 11:30 a.m. having arrived, vetoed Assembly Bill No. 214 of the 68th Session was considered.

Vetoed Assembly Bill No. 214 of the 68th Session.

Bill read.

Governor's message stating his objections read.

STATE OF NEVADA
EXECUTIVE CHAMBER
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710

June 7, 1995

THE HONORABLE JOSEPH DINI and THE HONORABLE LYNN HETTRICK, *Speakers*, Nevada State Assembly, Legislative Building, Carson City, Nevada 89710

DEAR ASSEMBLYMAN DINI and ASSEMBLYMAN HETTRICK:

I am herewith forwarding to you, for filing within the Constitutional time limit, and without my approval, Assembly Bill 214, entitled:

An act relating to administrative regulations; authorizing the legislature to reject proposed administrative regulations under certain circumstances; and providing other matters properly relating thereto.

This bill violates the Constitutional doctrine of separation of powers. *See* Nev. Const. Article 3, Section 1; *Galloway v. Truesdell*, 83 Nev. 13 (1967) [separation of powers];

Roberts v. State of Nevada, 104 Nev. 33 (1988) [legislative veto held unconstitutional by District Court]; *A-VLV Cab Co. v. State*, 108 Nev. 92 (1992) [opinion of individual legislators impermissible to determine legislative intent]. The bill also provides an unwarranted intrusion in the orderly conduct of business of the State.

Sincerely,

BOB MILLER
Governor

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblymen Lambert, Carpenter, Steel, Humke and Perkins.

Assemblyman Krenzer requested that the following remarks be entered in the Journal.

ASSEMBLYMAN LAMBERT:

Thank you, Mr. Speaker. I stand to ask this body to override the veto of Assembly Bill No. 214. In his veto message, the Governor has said that the bill violated the Constitutional doctrine of separation of powers. It is up to the Judicial Branch to decide, not the Executive Branch. Our counsel said when they drafted this bill, it would withstand a judicial challenge. I would urge you to follow our counsel's advice.

The Governor also said that the bill provides an unwarranted intrusion into the orderly conduct of business of state. This is in the eye of the beholder. One person's unwarranted intrusion is probably another person's view as an action to prevent state bureaucrats from soliciting the authority of the people as represented in the Legislature.

I think the choice we have to deal with is that we have regulations that we have given agencies authority to adopt. If they go beyond the statutory authority granted to them in our view, or if the regulations do not carry out the intent of the Legislature, we should have the ability to prevent those regulations from being filed. Who do the people hold accountable for these regulations when they don't like them? Remember, these regulations have the force and effect of law. Just like the laws we pass here. People hold us accountable when they are upset with regulations. We should be able to prevent the filing of those regulations if we feel the agency has gone beyond the statutory authority or it is violating the intent of this Legislature. I urge that you vote to override this veto and uphold the power of this branch of government. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I also rise to urge this body to override the veto of Assembly Bill No. 214. I believe it is very important to have legislative oversight of administrative regulations. We all saw what happened with the Federal Government. There was very little oversight of the agencies, and now, we are buried in a mass of regulations.

The other night we saw on television, President Clinton and Vice President Gore with a stack of regulations that they have asked now to be overturned. I don't think we want the State of Nevada to get into this situation. Very often, regulations have more impact on people's lives than the laws we pass. I think it is very important that we have that oversight so the regulators do not get carried away. Thank you, Mr. Speaker.

ASSEMBLYMAN STEEL:

Thank you, Mr. Speaker. I, too, rise in support of overriding the veto. I have attended several meetings in different organizations where these regulations are put together. You begin to understand that many times the people who are making these regulations are not the people who have to live by these regulations on a daily basis. It is those people, the people who have to go by these regulations, that look to us to protect them from illegal or unconstitutional regulations on their livelihoods. I would encourage that we should, as a body, look at these regulations; assure the people that the boards have not gone over their authority in the regulations they make or gone beyond their bounds; and preserve confidence in the law for the people of the State of Nevada. Thank you.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise to move to override the veto. From the bill itself, paraphrasing, "The authority to adopt regulations derived solely from the power that the legislature delegates to them . . ." Executive Branch agencies is not a power that the Constitution of the State of Nevada grants to the Executive Branch.

The Legislature is free to repeal the statute which authorizes the adoption of any such regulations. This is what the interim committee intended when it requested this bill to be drafted and that is what this Assembly intended when, a short time ago, it did pass this bill. To paraphrase again the comments of other members, "When Executive Branch agencies come up with regulations creating fees, creating duties on our citizens and those regulations become unpopular . . ." I will tell you, especially some of the newer members of this body, those Executive Branch agencies, without exception, blame the legislature! They absolutely blame us when it was their regulation that caused the people of this state to become unhappy. Don't let this happen to you. You should override this veto. Thank you.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. I stand in support of the Governor's veto and ask you to sustain it. This is actually a very simple issue. The previous speakers have spoken to the issue of whether or not these regulations should have legislative oversight. This is not the issue of the veto. It may very well be important to have legislative oversight for administrative regulations. The issue today, however, is can we do that within the rules that we have to live by?

Seven years ago, a substantially similar bill was ruled unconstitutional. I would ask you this, "What has changed in the last seven years to make that different today?" The Constitution is the same in this area now as it was then. This issue is more properly handled in a different vehicle; a vehicle that is working its way through this Legislature, and a joint resolution to amend the Constitution to allow this particular oversight. Without that ability in our Constitution, we are simply not playing within the rules. It is for those reasons, Mr. Speaker, that I stand and ask this body to vote "No" and to sustain the Governor's veto.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS—21.

NAYS—Anderson, Arberry, Bache, Buckley, Chowning, de Braga, Evans, Freeman, Giunchigliani, Goldwater, Krenzer, Manendo, Neighbors, Ohrenschall, Perkins, Price, Schneider, Segerblom, Spitler, Williams, Mr. Speaker Dini—21.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 698, 704, 712, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 14, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 53.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Assembly Bill No. 364 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Arberry moved that Assembly Bill No. 617 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means.

Motion carried.

Senate Concurrent Resolution No. 53.

Assemblyman Perkins moved the adoption of the resolution.

Remarks by Assemblyman Perkins.

Assemblyman Krenzer requested that Assemblyman Perkins' remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. The Daughters of the Utah Pioneers was founded in 1901 to preserve and gather histories of the pioneers who came to the West before May 10, 1869. The West included parts of Nevada, California, Oregon, Utah, Wyoming, Colorado, Arizona and New Mexico.

They strive to keep their memories alive and to honor them. They publish their stories, erect monuments and markers at historical places. This is now an international society. The Clark County chapter was organized in early 1936 in Las Vegas. It now covers the county with 12 groups containing about 250 members. The Clark County chapter has been dedicated to preserving the old Las Vegas Mormon Fort since they were organized and some of the time have maintained it. We are grateful to the members, past and present, who have fought so diligently to keep this part of history in Las Vegas alive.

I also have another motivation here, Mr. Speaker. If you refer to the last paragraph of the resolution, the person that the Secretary of the Senate is to prepare and transmit a copy to happens to be my mother-in-law. I kind of got roped into this one.

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 484.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 968.

Amend the bill as a whole by deleting sections 1 through 4 and inserting:

"Secs. 1-4. (Deleted by amendment.)"

Amend sec. 5, page 2, line 43, after "*jury;*" by inserting "*or*".

Amend sec. 5, page 2, line 45, by deleting "*lot; or*" and inserting "*lot,*".

Amend sec. 5, page 2, by deleting lines 46 through 48.

Amend sec. 5, page 3, line 1, by deleting: "*punitive damages and*".

Amend sec. 6, page 3, line 43, by deleting "*180*" and inserting "*90*".

Amend sec. 7, page 4, by deleting lines 6 and 7 and inserting:

"2. *If the landlord and the tenant agree or if an appraiser who is mutually agreed upon by the landlord and tenant determines that a mobile home cannot be moved without causing irreparable damage to the mobile home, or if all other mobile home parks within 50*".

Amend sec. 7, page 4, by deleting line 14 and inserting: "*tenant. The landlord and the tenant shall each pay one-half of the cost of the appraisal of the mobile home.*".

Amend sec. 8, page 4, by deleting lines 44 and 45 and inserting:

"2. *If the landlord and the tenant agree or if an appraiser who is mutually agreed upon by the landlord and tenant determines that a mobile home cannot be moved pursuant to paragraph (d) of subsection 1 without causing irreparable damage to the mobile*".

Amend sec. 8, page 5, by deleting line 5 and inserting: "*lord and tenant. The landlord and the tenant shall each pay one-half of the cost of the appraisal of the mobile*".

Amend sec. 9, page 5, by deleting lines 30 and 31 and inserting:

"2. *If the landlord and the tenant agree or if an appraiser who is mutually agreed upon by the landlord and tenant determines that a mobile home cannot be moved pursuant to paragraph (b) of subsection 1 without causing irreparable damage to the mobile*".

Amend sec. 9, page 5, by deleting line 39 and inserting: "*tenant. The landlord and the tenant shall each pay one-half of the cost of the appraisal of the mobile home.*".

Amend the bill as a whole by deleting sections 10 and 11.

Amend the title of the bill to read as follows:

"An Act relating to mobile home parks; revising certain provisions regulating rental agreements and obligations between a landlord and a tenant of a mobile home lot; requiring a landlord who closes a mobile home park to pay a certain amount to a tenant whose mobile home cannot be moved to another location because of certain circumstances; and providing other matters properly relating thereto.".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 364.

Assemblyman Steel moved that the vote whereby Amendment No. 362 to Assembly Bill No. 364 was adopted be rescinded.

Bill read second time.

Motion carried.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 971.

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

"Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A county whose population is 400,000 or more or a city located within such a county may, by ordinance, authorize the justices or judges of the justices' or municipal courts within its jurisdiction to impose for not longer

than 25 years, in addition to an administrative assessment imposed pursuant to NRS 176.059, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads or is found guilty of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If the defendant is found not guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 179.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section; and

(c) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center which includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center which includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center which includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center which includes the municipal courts.

Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justices' courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justices' courts or a regional justice center which includes the justices' courts.

(b) Construct or acquire additional facilities for the justices' courts or a regional justice center which includes the justices' courts.

(c) Renovate or remodel existing facilities for the justices' courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justices' courts or a regional justice center which includes the justices' courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justices' courts or a regional justice center which includes the justices' courts.

Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court

facilities. The county treasurer shall provide, upon request by a justice's court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.".

Amend the title of the bill to read as follows:

"An Act relating to court facilities; authorizing the collection of an administrative assessment in municipal courts and justices' courts for the provision of court facilities; limiting the use of the proceeds to costs relating to the provision of court facilities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes administrative assessment for misdemeanors to cover costs of providing court facilities. (BDR 14-690)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 116, 117, 130, 483, 497, 594, 597, 644, 681 be placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 65, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 425, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Assemblyman Neighbors moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:56 a.m.

ASSEMBLY IN SESSION

At 12:02 p.m.
Mr. Speaker presiding.
Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 116.
Bill read third time.
Remarks by Assemblyman de Braga.
Potential conflict of interest declared by Assemblyman Ernaut.
Roll call on Assembly Bill No. 116:
YEAS—37.
NAYS—Allard, Bennett, Harrington, Krenzer, Marvel—5.

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

Assembly Bill No. 117.
Bill read third time.
Remarks by Assemblyman Neighbors.
Roll call on Assembly Bill No. 117:
YEAS—40.
NAYS—Bennett, Harrington—2.

Assembly Bill No. 117 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 130.
Bill read third time.
Remarks by Assemblymen Marvel and Freeman.
Roll call on Assembly Bill No. 130:
YEAS—40.
NAYS—Steel.
Not voting—Bennett.

Assembly Bill No. 130 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 483.
Bill read third time.
Remarks by Assemblyman Buckley.
Roll call on Assembly Bill No. 483:
YEAS—42.
NAYS—None.

Assembly Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 497.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Assembly Bill No. 497:

YEAS—37.

NAYS—Allard, Giunchigliani, Harrington, Humke, Stroth—5.

Assembly Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 594.

Bill read third time.

Remarks by Assemblymen Ernaut, Giunchigliani, Schneider and Price.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I think this is a really good bill and I think everyone should vote for it. Thank you.

Thank you, Mr. Speaker. I didn't think I'd get by that quickly. Assembly Bill No. 594 is commonly referred to as the "Brew Pub Bill" in diplomatic circles and referred to in other ways in other circles. It is probably famous for what it is not, rather than for what it is. Today, I'm going to tell you what it is so you can weed through all the misinformation of what it is not.

Assembly Bill No. 594 simply does two things. It deregulates incrementally the brew pub industry and defines the term, "good cause" which currently exists in the statutes. I think it is really important that people understand why the liquor and beer industry is different than every other industry in the State of Nevada.

To give you a clear picture of this, I think it is pertinent to read from the policy that we have set since 1975, 20 years, which is contained in NRS 598.351, a statement of legislative policy. Let me read from that, "It is the policy of the legislature to insure the orderly distribution and marketing of alcoholic beverages in this state, in order to protect locally owned and operated business enterprises and those residents whose livelihoods and investments are dependent on their freedom to manage their businesses without economic and coercive control by nonresident suppliers of alcoholic beverages." This is the stated policy of this state.

What does this mean? It means we protect the industry. It means we protect it, so we protect those residents whose livelihoods and investments are dependent on this industry; those warehousemen, truck drivers, dock workers and wholesalers, because they exist in a market unlike any other.

A byproduct of NRS 598.351 is the three-tier liquor system. To give you a layman's explanation of this, it works simply by three tiers; the supplier, the wholesaler and the retailer. Some people would argue that it is a four-tier system because, obviously, the fourth tier is the consumer. The supplier is a large manufacturer, such as Anheuser-Busch. The wholesaler is your locally owned wholesaler, which many of you know. They sell to retailers which could be a bar, a restaurant, a convenience store or a supermarket. This is how you get alcohol.

The conditions and thresholds of the three-tier system precludes any person having a license as a supplier, wholesaler or retailer from owning a license in any of the other tiers. It means a wholesaler can't be a supplier; a supplier can't be a retailer and all those combinations that are possible.

This is a hybrid market, very heavily regulated, very heavily protected. I think this has to instigate the discussions of this bill. That is the genesis and essence of all those laws that we have passed in sessions some 20 years ago.

To explain the bill, you must first understand that this bill, Assembly Bill No. 594, does three things. Number one, it allows brew pubs in resort hotels starting July 1, 1995. It also

establishes thresholds that vary from Clark County to Washoe County. It also defines "good cause." Obviously, some people had consternation with good cause. I would like to again read from the statute what we say about "good cause" today.

Bringing your attention to NRS 598.330, "Discrimination between wholesalers as to terms of franchise prohibited; termination of franchise without cause prohibited." In subsection 2, "Notwithstanding the terms, provisions or conditions of any franchise, no supplier shall unilaterally terminate or refuse to continue any franchise with a wholesale dealer or wholesaler or cause a wholesale dealer or wholesaler to resign from such franchise unless the supplier has first established good cause for such termination, noncontinuance or causing of such resignation." This was written in 1973 and that is the law today.

This bill more clearly defines "good cause." It defines it as the supplier, the first tier, who must give the wholesaler the second tier, a 90-day notice that there is a problem with their franchise. If, after that 90 days, there is a problem, the wholesaler has 60 days in which to rectify it. That is what this bill does.

There have been several questions about this bill. I believe it is probably prudent to answer those more frequently asked now. Probably the more frequently asked question is, "Why is 'good cause' language in the same bill as the brew pub?" It is very simple. Notwithstanding the fact that we are in the same exact statute, NRS 598, there are many similarities and congruencies between these two concepts. It defines that the current three-tiered system is a hybrid market by allowing a proliferation of brew pubs, therefore, you are now creating another market. That market is not conditional upon the three-tiered system, meaning that the brew pub is both the manufacturer and the retailer all in one. There is no middle man.

The question is, "Isn't this finally free enterprise?" You may think that initially, but we are not talking about a free enterprise system, we are talking about a hybrid market. A hybrid industry to create a new market that can compete without the same regulations. It would be like throwing two economies competing against one another in which the playing field is not level. That is why "good cause" is in the brew pub bill.

If you take the brew pubs, with the thresholds we are allowing here in the resort hotels, you can brew enough beer to be very competitive with other brands. If that happens, you need to be on a level playing field. This is again the genesis of that section.

There has been another question, "Why are wine and spirits in the bill?" Well, I bring you again to NRS 598.330, which I read before which is "good cause" of subsection 1, "If more than one franchise for the same brand or brands of malt beverages, distilled spirits and wines, or all of them, is granted to different wholesalers in this state, it is a violation of NRS 597.120 to 597.180, inclusive, for any supplier to discriminate between such wholesalers with respect to any of the terms, provisions and conditions of these franchises." What this means is, they are already treated as beer holders. They have been since 1973.

Why do we need to further define "good cause?" It is simple. The two subsections of the statute that I just read from, obviously, have a catalyst of one term which is "good cause" which is not defined. We have no idea as to what "good cause" means. Furthermore, the balancing test which NRS 598.350 is, if there is ever a dispute between the wholesaler and supplier, "In any action brought by a wholesale dealer or wholesaler against a supplier for termination or noncontinuance of, or causing to resign from a franchise in violation of NRS 597.120 to 597.180, inclusive, it is a complete defense for the supplier to prove that such termination, noncontinuance or causing to resign was done in good faith and for good cause." But, we don't define "good cause." If we don't define "good cause," we haven't made good public policy for which the supplier and wholesaler can base their contractual obligations.

Simply and accurately, that is what Assembly Bill No. 594 does and that is what it is. Nothing more. It is a bill of compromise and negotiation and good public policy. I would like to commend the Committee on Commerce and both the chairmen for the hard work they put in on this. I urge you to support Assembly Bill No. 594.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I rise in opposition of Assembly Bill No. 594. It violates equal treatment and is the epitome of government interferences and over regulation.

During committee hearings, I noted four areas of concern that I had. I attempted to make some motions to do the following: One, to eliminate the reference to alcohol and wine. This failed by one vote. I believe alcohol, this is a brew pub bill, that alcohol and wine have nothing to do with this legislation, nor should have been maintained within this bill. We are now telling an industry that had no need for additional regulation, and did not wish to be part of this proposition, how they have to run their business.

Secondly, I wanted to eliminate the restriction by allowing for open competition and by removing the requirement that pubs could only be located in resort hotels and in historic areas. Unfortunately, that language still remains in there. I think we've created an inequity in that area.

Thirdly, I believe there is an inequity built into the taxation. NRS 369 requires an excise tax to be paid. Unfortunately, this will not apply to the new pubs. I would hope that on the Senate side they will take a look at this issue to make sure everyone is paying at least the same fare for those taxations.

My further concern was in regards to Section 11, which restricts the marketplace regarding the franchise being a wholesaler. I appreciate the intent of this bill, as I support brew pubs. I believe they should be free and open wherever they wish to be. I look at this like my colleague has said, as a Christmas tree. Where many different baubles were hung in order to get individuals to come along and support it. I think, in the long run, it will restrict business and unfairly affect competition.

Roll call on Assembly Bill No. 594:

YEAS—38.

NAYS—Close, Evans, Freeman, Giunchigliani—4.

Assembly Bill No. 594 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 597.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 597:

YEAS—41.

NAYS—Goldwater.

Assembly Bill No. 597 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 644.

Bill read third time.

Remarks by Assemblyman Steel.

Roll call on Assembly Bill No. 644:

YEAS—39.

NAYS—Bennett, Close, Harrington—3.

Assembly Bill No. 644 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 681.

Bill read third time.

Remarks by Assemblyman Nolan.
Roll call on Assembly Bill No. 681:
YEAS—42.
NAYS—None.

Assembly Bill No. 681 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 373.
Bill read third time.
Remarks by Assemblymen Sandoval, Monaghan, Freeman and Price.
Conflicts of interest declared by Assemblymen Close and Harrington.
Roll call on Assembly Bill No. 373:
YEAS—37.
NAYS—Bache, Giunchigliani, Marvel—3.
Not voting—Close, Harrington—2.

Assembly Bill No. 373 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 630.
Bill read third time.
Remarks by Assemblymen Marvel and Close.
Roll call on Assembly Bill No. 630:
YEAS—42.
NAYS—None.

Assembly Bill No. 630 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended and that Assembly Bills Nos. 116, 117, 130, 483, 497, 594, 597, 644, 681, 373, 630; Senate Concurrent Resolution No. 53 be immediately transmitted to the Senate.
Motion carried unanimously.

Assemblyman Perkins moved that Assembly Bills Nos. 404, 415, 502, 527, 642, 698, 704, 712; Assembly Joint Resolution No. 33; Senate Bills Nos. 83, 248, 539 be placed on the Second Reading File.
Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 65, 425 be placed on the General File.
Motion carried.

In compliance with a notice given on a previous day, Assemblyman Ernaut moved that the vote whereby Assembly Bill No. 198 was passed be reconsidered.
Remarks by Assemblymen Ernaut, Bache and Steel.

Assemblymen Bache, Giunchigliani and Manendo requested a roll call on Assemblyman Ernaut's motion.

Roll call on Assemblyman Ernaut's motion:

YEAS—26.

NAYS—Anderson, Arberry, Bache, Buckley, de Braga, Evans, Giunchigliani, Goldwater, Manendo, Ohrenschall, Perkins, Price, Schneider, Segerblom, Spitler, Williams—16.

The motion having received a majority, Mr. Speaker declared it carried.

Assemblyman Ernaut moved that Assembly Bill No. 198 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Ernaut.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 93.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Senate Bill No. 93:

YEAS—42.

NAYS—None.

Senate Bill No. 93 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 163.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Senate Bill No. 163:

YEAS—42.

NAYS—None.

Senate Bill No. 163 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 375.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 375:

YEAS—42.

NAYS—None.

Senate Bill No. 375 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 399.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 399:

YEAS—40.

NAYS—None.

Not voting—Tiffany, Mr. Speaker Dini—2.

Senate Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 409.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Senate Bill No. 409:

YEAS—42.

NAYS—None.

Senate Bill No. 409 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 476.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 476:

YEAS—42.

NAYS—None.

Senate Bill No. 476 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 513.

Bill read third time.

Remarks by Assemblyman Stroth.

Roll call on Senate Bill No. 513:

YEAS—42.

NAYS—None.

Senate Bill No. 513 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 522.

Bill read third time.

Remarks by Assemblyman Allard.

Roll call on Senate Bill No. 522:

YEAS—42.

NAYS—None.

Senate Bill No. 522 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 523.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 523:

YEAS—42.

NAYS—Monaghan.

Senate Bill No. 523 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 65.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 912.

Amend sec. 4, page 4, line 5, after "*for*" by inserting: "*a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395,*".

Amend sec. 4, page 4, line 7, by deleting: "*On or before the first day of each month,*" and inserting "*Upon discovery,*".

Amend sec. 4, page 4, line 12, after "*for*" by inserting: "*a violation of NRS 200.508, 201.230, 453.3385, 453.339 or 453.3395,*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 425.

Bill read third time.

Assemblyman Fettic moved that Assembly Bill No. 425 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Fettic.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 14, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 208, 544, 551, 557, 558.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 104, 303.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rhoads, McGinness and Lee as a first Committee on Conference concerning Senate Bill No. 230.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 208.

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

Motion carried.

Senate Bill No. 544.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 551.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 557.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 558.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Fettic moved that Assembly Bill No. 425 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 425.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 994.

Amend sec. 2, page 2, line 36, by deleting "*and*".

Amend sec. 2, page 2, line 38, by deleting the period and inserting: "*; and*

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. This act becomes effective on January 1, 1996.".

Assemblyman Fettic moved the adoption of the amendment.

Remarks by Assemblyman Fettic.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

SECOND READING AND AMENDMENT

Assembly Bill No. 404.

Bill read second time.

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

Amendment No. 999.

Amend section 1, page 1, by deleting lines 16 and 17 and inserting: "*on forms prescribed by the committee or the city clerk if the form has been:*

(1) Submitted, at least 60 days before its anticipated distribution, to the commission for review; and

(2) Upon review, approved by the commission.".

Amend sec. 2, page 2, line 12, by deleting "*December*" and inserting "*March*".

Amend sec. 2, page 2, by deleting lines 23 through 25 and inserting: "ment. *A person may satisfy the requirements of this section by filing with the commission a copy of a statement of financial disclosure which was filed pursuant to the requirements of a specialized or local ethics committee if the form of the statement has been approved by the commission.*".

Amend sec. 3, page 3, line 18, after "one." by inserting: "*The commission is not responsible for the costs of producing or distributing a form for filing statements of financial disclosure which is prescribed pursuant to subsection 1 of NRS 281.541.*".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 415.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 666.

Amend section 1, page 1, line 2, by deleting "9," and inserting "14,".

Amend the bill as a whole by renumbering sections 3 through 7 as sections 4 through 8 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. "*Special fuel exporter*" *means a person, other than a special fuel supplier, who receives special fuel in this state and sells or distributes it outside this state.*".

Amend sec. 4, page 1, line 11, by deleting "*5*" and inserting "*6*".

Amend sec. 5, page 1, by deleting lines 19 through 23 and inserting: "*concentration required by the regulations adopted by the Secretary of the Treasury pursuant to 26 U.S.C. § 4082.*

2. A person shall not operate or maintain on any highway in this state a motor".

Amend sec. 6, page 2, line 4, by deleting "*subsection 2,*" and inserting: "*subsections 2 and 3,*".

Amend sec. 6, page 2, by deleting lines 8 through 16 and inserting:

"*2. A special fuel supplier may sell special fuel to a purchaser without collecting the tax imposed pursuant to NRS 366.190 if the purchaser of the special fuel:*

(a) Has been issued a permit by the department pursuant to section 10 of this act; and

(b) Elects to defer payment of the tax.

3. A special fuel supplier shall not collect the tax imposed pursuant to NRS 366.190 if the purchaser of the special fuel is:

(a) A special fuel supplier; or

(b) A special fuel exporter.

4. A special fuel supplier who sells special fuel to any other special fuel supplier shall keep such records of the transaction as the department may require. The department shall adopt regulations setting forth:

(a) The records which must be kept by the special fuel supplier pursuant to this subsection; and

(b) The period for which those records must be kept by the special fuel supplier.

5. If, within a period of 6 months, a person purchases not less than 200 gallons of special fuel in this state which is used for a purpose that is exempt from the payment of the tax on special fuel pursuant to NRS 366.200, he may apply to the department for a refund in the manner prescribed in subsection 6 of NRS 366.650.".

Amend the bill as a whole by renumbering sections 8 and 9 as sections 10 and 11 and adding a new section designated sec. 9, following sec. 7, to read as follows:

"Sec. 9. *Each special fuel exporter shall, not later than the last day of each month, submit to the department a written statement which sets forth:*

1. The number of gallons of special fuel he received during the previous month;

2. The number of gallons of special fuel he sold or distributed outside this state;

3. The name and mailing address of each person to whom he sold or distributed special fuel outside this state; and

4. The number of gallons of special fuel he sold or distributed to each person to whom he sold or distributed special fuel outside this state.".

Amend sec. 8, page 2, line 30, by deleting "*until the*".

Amend sec. 8, page 2, by deleting line 31 and inserting: "*until 25 days after the end of the month in which the fuel is purchased must*".

Amend sec. 8, page 2, line 40, after "*3.*" by inserting: "*If a purchaser of special fuel:*

(a) Has been issued a permit to defer the payment of the tax imposed pursuant to NRS 366.190; and

(b) Elects to defer payment of the tax,

he shall, not later than 25 days after the end of the month in which the fuel is purchased, pay the tax to the special fuel supplier by electronic transfer of money.

4.".

Amend sec. 8, page 2, line 47, by deleting "*4.*" and inserting "*5.*".

Amend sec. 8, page 3, line 1, by deleting "*5.*" and inserting "*6.*".

Amend sec. 8, page 3, between lines 2 and 3, by inserting:

"*7. As used in this section, "electronic transfer of money" means any transfer of money, other than a transaction initiated by a check, draft or other similar instrument, that is initiated through an electronic terminal,*

telephone, computer or magnetic tape to order, instruct or authorize a financial institution or person holding an account on behalf of a purchaser of special fuel to debit an account.".

Amend sec. 9, page 3, line 4, by deleting: "*at least 5,200*" and inserting: "*more than 25*".

Amend sec. 9, page 3, line 8, after "*which*" by inserting: "*the purchaser declares*".

Amend sec. 9, page 3, by deleting lines 13 through 15 and inserting:

"*2. Each person who transports special fuel in this state shall:*

(a) Keep the record of shipment required by subsection 1 in the vehicle in which the special fuel is transported until the special fuel is delivered to the purchaser; and

(b) Upon request from a peace officer, allow the peace officer to inspect the record of shipment.".

Amend the bill as a whole by renumbering sections 10 through 37 as sections 15 through 42 and adding new sections designated sections 12 through 14, following sec. 9, to read as follows:

"Sec. 12. *1. Every carrier, whether common, contract or private, except a special fuel supplier licensed pursuant to this chapter or a wholesale distributor transporting the products of a special fuel supplier licensed pursuant to this chapter, who transports special fuel in interstate commerce to or from any point within this state, or solely within this state, shall report to the department all deliveries of that special fuel.*

2. A report must be made for each calendar month and must be filed within 25 days after the end of the month for which the report is made. The report must show:

(a) The name and address of every consignor and consignee and of every person other than the designated consignee to whom delivery has actually been made;

(b) The date of each delivery;

(c) The number of gallons of special fuel delivered for each delivery; and

(d) Such other information as the department may require.

3. The department or its authorized agents may examine the books and records of any carrier during business hours to determine whether the carrier is in compliance with the provisions of this section.

Sec. 13. *A special fuel exporter shall not sell or distribute special fuel in this state. A special fuel exporter who violates the provisions of this section:*

1. Is guilty of a misdemeanor; and

2. Shall, within the period prescribed in NRS 366.370, pay to the department the tax imposed pursuant to NRS 366.190 on all special fuel sold or distributed in this state.

Sec. 14. *1. The department may impose an administrative fine, not to exceed $2,500, for a violation of any provision of this chapter, or any regulation or order adopted or issued pursuant thereto. The department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.*

2. All administrative fines collected by the department pursuant to subsection 1 must be deposited with the state treasurer to the credit of the state highway fund.

3. In addition to any other remedy provided by this chapter, the department may compel compliance with any provision of this chapter and any regulation or order adopted or issued pursuant thereto by injunction or other appropriate remedy. The department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.".

Amend sec. 10, page 3, line 20, by deleting: "*2 and 3*" and inserting: "*2, 3 and 4*".

Amend sec. 11, page 3, by deleting lines 32 and 33 and inserting:

"*2. Produces, manufactures or refines special fuel in this state; or*".

Amend sec. 13, page 4, line 1, after "*supplier*" by inserting: "*, special fuel exporter*".

Amend sec. 16, page 4, line 40, by deleting "and possessions," and inserting: "[and possessions,] *or possessions, or any foreign country,*".

Amend sec. 16, page 4, line 43, after "*supplier*" by inserting: "*, special fuel exporter*".

Amend sec. 18, page 5, line 20, by deleting "or" and inserting "[or]".

Amend sec. 18, page 5, line 21, after "(d)" by inserting: "*Who is in default in the payment of a tax on special fuel in any other state, the District of Columbia, the United States, its territories or possessions, or any foreign country; or*

(e)".

Amend sec. 21, page 6, line 5, by deleting "*7*" and inserting "*8*".

Amend sec. 24, page 6, by deleting line 37 and inserting: "the [post office] cancellation mark stamped *by the United States Postal Service or the postal service of any other country* upon an envelope containing pay-".

Amend sec. 24, page 6, line 41, by deleting "*7*" and inserting "*8*".

Amend sec. 25, page 7, line 3, by deleting "*8*" and inserting "*10*".

Amend sec. 25, page 7, line 4, by deleting "*one-third*" and inserting "*one-half*".

Amend sec. 25, page 7, line 5, by deleting "*two-thirds*" and inserting "*one-half*".

Amend sec. 25, page 7, line 7, by deleting "*8*" and inserting "*10*".

Amend sec. 26, page 7, line 18, by deleting "*7*" and inserting "*8*".

Amend sec. 26, page 7, line 19, after "respectively," by inserting: "*or a statement as required by section 9 of this act,*".

Amend sec. 26, page 7, line 21, after "return" by inserting "*or statement*".

Amend sec. 26, page 7, line 22, after "return" by inserting "*or statement*".

Amend sec. 28, page 8, line 31, by deleting "*7*" and inserting "*8*".

Amend sec. 28, page 8, line 37, by deleting "*In*" and inserting: "*Except as otherwise provided in subsection 3, in*".

Amend sec. 28, page 8, line 41, by deleting "*8*" and inserting "*10*".

Amend sec. 28, page 8, between lines 42 and 43, by inserting:

"3. A special fuel supplier shall not deduct from the amount he owes the department pursuant to subsection 1 any amount which has not been paid by a person whose permit to defer the payment of the tax has been revoked pursuant to subsection 4 of section 10 of this act if, before the special fuel was purchased, the special fuel supplier had been notified by the department pursuant to subsection 5 of section 10 of this act that it had revoked the purchaser's permit.".

Amend sec. 31, page 10, by deleting lines 16 through 20 and inserting:

"6. A person who wishes to apply for a refund of the tax on special fuel paid by him pursuant to subsection 5 of section 7 of this act must:

(a) Submit an application for the refund on a form prescribed by the department; and

(b) Establish to the satisfaction of the department that within a period of 6 months he purchased not less than 200 gallons of special fuel in this state which was used for a purpose that is exempt from the tax on special fuel pursuant to NRS 366.200.

The department shall refund to an applicant who complies with the provisions of this subsection a refund in an amount equal to the tax paid by that person when he purchased the special fuel.".

Amend the title of the bill, second line, after "rack;" by inserting: "prohibiting special fuel exporters from selling or distributing special fuel in this state; providing a penalty;".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 502.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 972.

Amend sec. 2, page 1, by deleting lines 12 through 15 and inserting:

"2. A landlord may, as a condition for the authorization of such a modification, reasonably require the person who requests the authorization, upon the termination of his occupancy, to restore the interior of the dwelling to the condition that existed before the modification, reasonable wear and tear excepted.

3. Except as otherwise provided in subsection 4, a landlord may not increase the amount of security he customarily requires a person to deposit because that person has requested authorization to modify a dwelling pursuant to subsection 1.

4. If a person requests authorization to modify a dwelling pursuant to subsection 1, the landlord may require that person to deposit a reasonable amount of security in addition to the amount he usually requires if the additional amount:

(a) Is necessary to ensure the restoration of the dwelling pursuant to subsection 2;

(b) Does not exceed the actual cost of the restoration; and

(c) Is deposited by the landlord in an interest-bearing account. Any interest earned on the additional amount must be paid to the person who requested the authorization.

5. As used in this section, "security" has the meaning ascribed to it in NRS 118A.240.".

Amend the bill as a whole by renumbering sections 10 through 27 as sections 12 through 29 and adding new sections designated sections 10 and 11, following sec. 9, to read as follows:

"Sec. 10. Chapter 233 of NRS is hereby amended by adding thereto the provisions set forth as sections 11 and 12 of this act.

Sec. 11. *The governor may designate another agency to perform the duties and functions of the commission set forth in section 12 of this act and NRS 233.150, 233.160 and 233.170.*".

Amend sec. 10, page 4, by deleting lines 2 through 4 and inserting:

"Sec. 12. *1. The commission shall:*".

Amend sec. 13, page 5, line 10, by deleting "*and*".

Amend sec. 13, page 5, line 11, by deleting "*233.170.*" and inserting: "*233.170; and*

(d) Information relating to the state and federal administrative bodies and courts with which he may file the complaint.".

Amend sec. 14, page 6, by deleting lines 22 and 23 and inserting: "*unlawful housing practice, the court may:*

(1) Award to the complainant actual damages and punitive damages.

(2) Award to the prevailing party costs and reasonable attorney's fees.

(3) Order such other relief as the court deems appropriate, including, but not limited to:

(I) Ordering a permanent or temporary injunction;

(II) Issuing a temporary restraining order; or

(III) Enjoining the defendant from continuing the unlawful practice or taking other such affirmative action.".

Amend sec. 16, page 7, line 8, by deleting "*15*" and inserting "*17*".

Amend sec. 22, page 9, line 36, by deleting "*15*" and inserting "*17*".

Amend sec. 25, page 11, line 22, by deleting "*15*" and inserting "*17*".

Amend sec. 26, page 11, line 40, by deleting "*15*" and inserting "*17*".

Amend sec. 27, page 12, line 11, by deleting "*15*" and inserting "*17*".

Amend the bill as a whole by adding a new section designated sec. 30, following sec. 27, to read as follows:

"Sec. 30. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 9, inclusive, 11 and 12 and 15 to 29, inclusive, of this act become effective on October 1, 1995.

3. Sections 10, 13 and 14 of this act become effective on the date the governor declares that the Assistant Secretary for Fair Housing and Equal Opportunity of the United States Department of Housing and Urban Development has determined, pursuant to Part 115 of Title 24 of the Code of Federal Regulations, that those sections, on their face, provide rights and

remedies for alleged discriminatory housing practices that are substantially equivalent to those provided in the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (42 U.S.C. §§ 3601 et seq.).".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 527.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 642.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 932.

Amend sec. 2, page 1, by deleting lines 5 through 16 and inserting:

"*1. "Public utility" has the meaning ascribed to it in NRS 704.020.*".

Amend sec. 3, pages 1 and 2, by deleting lines 23 through 25 on page 1 and lines 1 through 9 on page 2 and inserting:

"Sec. 3. *1. The provisions of sections 2 to 9, inclusive, of this act, apply to a public utility only if the public utility elects to file a security instrument pursuant to section 4 of this act and then only as to the method of perfection or notice of that security instrument.*

2. Except as otherwise provided in subsection 3 of section 5 of this act, a public utility shall not change the method of perfection or notice of a security instrument from a method allowed pursuant to a provision other than sections 2 to 9, inclusive, of this act, to the method allowed by sections 2 to 9, inclusive, of this act.

3. Once a security instrument has been filed pursuant to section 4 of this act, the public utility shall not change the method of perfection or notice for that security instrument pursuant to a provision other than sections 2 to 9, inclusive, of this act.".

Amend sec. 4, page 2, line 36, after "*3.*" by inserting: "*A description of real or personal property in a security instrument is sufficient, whether or not it is specific, if it reasonably identifies what is described.*

4.".

Amend sec. 5, page 3, line 3, by deleting "*Such*" and inserting: "*3. Such*".

Amend sec. 6, page 3, by deleting lines 19 and 20 and inserting: "*The notice required by this section must be acknowledged or proved and certified in the manner pro-*".

Amend sec. 12, page 7, line 34, by deleting "[and 704.205;]" and inserting: "and [704.205;] *sections 2 to 9, inclusive, of this act;*".

Amend sec. 16, page 12, by deleting lines 32 and 33 and inserting: "be recorded in the office of the recorder of the county in which [such] *the* real property is situated [,] *or to the extent permitted by sections 2 to 9, inclusive, of this act, in the office of the secretary of state,* but shall be valid and binding between".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 698.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 704.

Bill read second time, ordered engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 712 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Joint Resolution No. 33.

Resolution read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 989.

Amend the resolution, pages 1 through 5, by deleting lines 2 through 26 on page 1, lines 1 through 48 on page 2, lines 1 through 36 on page 3 and the text of the repealed section and inserting: "JOINTLY, That section 21 of article 6 of the constitution of the State of Nevada be amended to read as follows:

Sec. 21. 1. A justice of the supreme court, a district judge, a justice of the peace or a municipal judge may, in addition to the provision of article 7 for impeachment, be censured, retired, removed or otherwise disciplined by the commission on judicial discipline. [A] *Pursuant to rules governing appeals adopted by the supreme court, a* justice or judge may appeal from the action of the commission to the supreme court, which may reverse such action or take any alternative action provided in this subsection.

2. The commission is composed of:

(a) Two justices or judges appointed by the supreme court;

(b) Two members of the State Bar of Nevada, a public corporation created by statute, appointed by its board of governors; and

(c) Three persons, not members of the legal profession, appointed by the governor.

The commission shall elect a chairman from among its three lay members.

3. If at any time the State Bar of Nevada ceases to exist as a public corporation or ceases to include all attorneys admitted to practice before the courts of this state, the legislature shall provide by law, or if it fails to do so the court shall provide by rule, for the appointment of attorneys at law to the positions designated in this section to be occupied by members of the State Bar of Nevada.

4. The term of office of each appointive member of the commission, except the first members, is 4 years. Each appointing authority shall appoint

one of the members first appointed for a term of 2 years. If a vacancy occurs, the appointing authority shall fill the vacancy for the unexpired term. An appointing authority shall not appoint more than one resident of any county. The governor shall not appoint more than two members of the same political party. No member may be a member of a commission on judicial selection.

5. [The supreme court shall make appropriate rules for:

(a)] *The legislature shall establish:*

(a) In addition to censure, retirement and removal, the other forms of disciplinary action that the commission may impose;

(b) The grounds for censure and other disciplinary action that the commission may impose, including, but not limited to, violations of the provisions of the code of judicial conduct;

(c) The standards for the investigation of matters relating to the fitness of a justice or judge; and

(d) The confidentiality of [all] proceedings before the commission, except *that, in any event,* a decision to censure, retire or remove a justice or judge [.

(b) The grounds of censure and other forms of discipline which may be imposed by the commission.

(c) The conduct of investigations and hearings.] *must be made public.*

6. *The supreme court shall adopt a code of judicial conduct. The commission shall adopt rules of procedure for the conduct of its hearings and any other procedural rules it deems necessary to carry out its duties.*

7. No justice or judge may by virtue of this section be:

(a) Removed except for willful misconduct, willful or persistent failure to perform the duties of his office or habitual intemperance; or

(b) Retired except for advanced age which interferes with the proper performance of his judicial duties, or for mental or physical disability which prevents the proper performance of his judicial duties and which is likely to be permanent in nature.

[7. Any person may bring to the attention of the commission any]

8. Any matter relating to the fitness of a justice or judge [.] *may be brought to the attention of the commission by any person or on the motion of the commission.* The commission shall, after preliminary investigation, dismiss the matter or order a hearing to be held before it. If a hearing is ordered, a statement of the matter shall be served upon the justice or judge against whom the proceeding is brought. The commission in its discretion may suspend a justice or judge from the exercise of his office pending the determination of the proceedings before the commission. Any justice or judge whose removal is sought is liable to indictment and punishment according to law. A justice or judge retired for disability in accordance with this section is entitled thereafter to receive such compensation as the legislature may provide.

[8.] *9.* If a proceeding is brought against a justice of the supreme court, no justice of the supreme court may sit on the commission for that proceeding. If a proceeding is brought against a district judge, no district judge from

the same judicial district may sit on the commission for that proceeding. If a proceeding is brought against a justice of the peace, no justice of the peace from the same township may sit on the commission for that proceeding. If a proceeding is brought against a municipal judge, no municipal judge from the same city may sit on the commission for that proceeding. If an appeal is taken from an action of the commission to the supreme court, any justice who sat on the commission for that proceeding is disqualified from participating in the consideration or decision of the appeal. When any member of the commission is disqualified by this subsection, the supreme court shall appoint a substitute from among the eligible judges.

[9.] *10.* The commission may:

(a) Designate for each hearing an attorney or attorneys at law to act as counsel to conduct the proceeding;

(b) Summon witnesses to appear and testify under oath and compel the production of books, papers, documents and records;

(c) Grant immunity from prosecution or punishment when the commission deems it necessary and proper in order to compel the giving of testimony under oath and the production of books, papers, documents and records; and

(d) Exercise such further powers as the legislature may from time to time confer upon it.".

Amend the title of the resolution by deleting the second and third lines and inserting: "Nevada to revise the provisions governing the commission on judicial discipline.".

Amend the summary of the resolution to read as follows:

"Summary—Proposes to amend Nevada constitution to revise provisions governing commission on judicial discipline. (BDR C-942)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 83 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 248.

Bill read second time.

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

Amendment No. 1008.

Amend sec. 2, page 2, line 18, after "large." by inserting: "*The representative of the board of supervisors and the representative of the school district shall select the representatives of the public at large, and for that*

purpose only, constitute a quorum of the debt management commission. Members of the commission serve for a term of 2 years beginning on January 1, or until their successors are chosen.".

Amend sec. 2, page 2, line 32, by deleting the period and inserting: "[.] *in July.*".

Amend sec. 3, page 2, line 37, by deleting "odd-numbered" and inserting "[odd-numbered]".

Amend sec. 3, page 2, line 42, after "3." by inserting "[A]".

Amend sec. 3, page 3, line 1, by deleting "A" and inserting: "*Except as otherwise provided in subsection 2 of NRS 350.002, a*".

Amend sec. 4, page 3, line 3, by deleting "[Each] *On*" and inserting: "Except as otherwise provided in this section, [each] *on*".

Amend sec. 4, page 3, by deleting line 12 and inserting: "established by the committee on local government finance . [at least 30 days".

Amend sec. 4, page 3, line 35, by deleting: "A policy statement" and inserting "Policy".

Amend sec. 4, page 4, by deleting line 11 and inserting: "improvement district.

3.] *not less frequently than annually.*

4. The provisions of this section do not apply to the Airport Authority of Washoe County so long as the authority does not have any general obligation bonds outstanding and does not issue or propose to issue any such bonds. At least 30 days before each annual meeting of the commission, the authority shall submit to the department of taxation a written statement regarding whether the authority is planning to propose to issue any general obligation bonds before the next following annual meeting of the commission.".

Amend sec. 5, page 4, line 18, by deleting: "[two-thirds] *a majority*" and inserting "two-thirds".

Amend sec. 5, page 4, line 40, by deleting "350.0035" and inserting: "350.0035, if such a plan is required to be submitted".

Amend the bill as a whole by renumbering sections 17 and 18 as sections 18 and 19 and adding a new section designated sec. 17, following sec. 16, to read as follows:

"Sec. 17. Section 1 of Assembly Bill No. 72 of this session is hereby amended to read as follows:

Section 1. NRS 350.001 is hereby amended to read as follows:

350.001 As used in NRS 350.002 to 350.006, inclusive, unless the context otherwise requires:

1. "Commission" means a debt management commission created pursuant to NRS 350.002.

2. "General obligation debt" means debt which is legally payable from general revenues, as a primary or secondary source of repayment, and is backed by the full faith and credit of a governmental entity. The term:

(a) Includes:

(1) Debt represented by local government securities issued pursuant to this chapter; and

(2) Debt created for short-term financing pursuant to NRS 354.430 to 354.460, inclusive, if the debt is payable from a special tax which is exempt from the limitation on taxes ad valorem pursuant to subsection 3 of NRS 354.430.

(b) Except as otherwise provided in subparagraph (2) of paragraph (a), does not include debt created for short-term financing pursuant to NRS 354.430 to 354.460, inclusive.

3. "Special elective tax" means a tax imposed pursuant to NRS *354.59817,* 354.5982, 387.197, 387.3285 or 387.3287.".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 539.

Bill read second time.

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

Amendment No. 991.

Amend section 1, page 1, line 5, by deleting "*3*" and inserting "*4*".

Amend the title of the bill, first line, by deleting "reducing" and inserting "clarifying".

Amend the summary of the bill, first line, by deleting "Reduces" and inserting "Clarifies".

Assemblyman Braunlin moved the adoption of the amendment.

Remarks by Assemblyman Braunlin.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Stroth moved that the Assembly do not recede from its action on Senate Bill No. 272, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Stroth.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Stroth, Brower and Schneider as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 272.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Chowning moved that the Assembly do not recede from its action on Senate Bill No. 189, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Chowning.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Allard and Goldwater as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 189.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 503.

The following Senate amendment was read:

Amendment No. 796.

Amend sec. 8, page 4, line 43, by deleting "*an*".

Amend sec. 8, page 4, line 44, by deleting "*adoption*" and inserting: "*a court order terminating the parental rights of the natural parent*".

Amend the title of the bill by deleting the fourth line and inserting: "ation in an action to set aside a court order terminating the parental rights of the natural parent after a petition for adoption has been granted;".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 503.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Humke and Monaghan as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 131.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 24, 39, 72, 177, 184, 186, 221, 234, 239, 308, 343, 368, 381, 382, 389, 403, 448, 453, 469, 478; Senate Bills Nos. 180, 206, 209, 212, 215, 343, 460; Senate Joint Resolution No. 7.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Marvel, the privilege of the floor of the Assembly Chamber for this day was extended to Jack Streeter, Vera Streeter, Leslie Raggio Righetti, Jennifer Brie Righetti, Michael Christopher Righetti, Meghan Clariche Righetti and Johnathan William Righetti.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Rodney Burr.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Alyce Gottfredson and Donalene Ravitch.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, June 15, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 1:30 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-FIRST DAY

CARSON CITY (Thursday), June 15, 1995

Assembly called to order at 11:07 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ken Haskins.

Dear Heavenly Father, the "cattle on a thousand hills" are in Your possession. The earth is Yours and the "fullness thereof." You are more than able to provide all that we, Your children, need. For these representatives of the people, these servants of Yours, provide all that they need to see clearly and decide rightly the issues facing them this day. And yes, Father, enable them to perform well at their softball game. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bills Nos. 716, 720; Senate Joint Resolution No. 25, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 404, 447, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 602, Senate Bill No. 427, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN MONAGHAN, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 301, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Concurrent Resolution No. 42, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Education, to which was re-referred Assembly Bill No. 196, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

WENDELL P. WILLIAMS, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 14, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 237, 238, 241, 244, 247, 248, 249, 250, 251, 266, 369, 477, 488, 608.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 160, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 545.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 261, 426.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolutions Nos. 22, 23.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Joint Resolution No. 42—Urges the United States Forest Service to stop charging fees for recreational use of lands controlled by it based in part on activities occurring solely on state lands.

Assemblyman de Braga moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Assemblyman Ernaut moved that Assembly Bills Nos. 65, 404, 415, 425, 484, 502, 642; Assembly Joint Resolution No. 33; Senate Bills Nos. 248, 539 be placed on the General File.

Motion carried.

Assemblyman Spitler moved that Assembly Bill No. 512 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Bill No. 65 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Marvel moved that Assembly Bill No. 361 be returned from enrollment.

Motion carried.

Assemblyman Marvel moved that the vote whereby Assembly Bill No. 361 was passed be rescinded.

Motion carried.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:16 a.m.

ASSEMBLY IN SESSION

At 11:41 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 527.

Bill read third time.

Remarks by Assemblyman Stroth.

Roll call on Assembly Bill No. 527:

YEAS—41.

NAYS—None.

Absent—Price.

Assembly Bill No. 527 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 415, 432, 436, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 15, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 55.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 55.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini and Segerblom.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker, members of the Assembly. It is a great honor to speak on this resolution today. I have known Ken since I first came to the legislature in 1967. He is the father of our modern day Public Employees' Retirement System.

Ken has a long record of public service in various jobs that he did. He was a real fighter for the Public Employees' Retirement System. As I remember, some of our biggest fights were between him and the chairman of Ways and Means at that time, over the Public Employees' Retirement System. I believe it was an ongoing battle for two or three years.

He was a real honorable man. He did a great job. He was a good fiscal man who knew the retirement system well. He served with dignity in state government at all levels. We certainly want to express our sympathy to the family. We are glad to have them here with us.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. I would like to support Senate Concurrent Resolution No. 55. I knew Mr. Buck when he was with the Public Employees' Retirement System. I know you realize that he is the uncle of my secretary, here at the legislature, Carol Dickerson. She is sitting in the back, too. Thank you.

Resolution adopted unanimously.

Senate Joint Resolution No. 22.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Economic Development and Tourism.

Motion carried.

Senate Joint Resolution No. 23.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Arberry, Williams, Krenzer, Ohrenschall and Giunchigliani:

Assembly Bill No. 724—An Act relating to facilities for the storage of personal property; requiring the owner of such a facility to maintain liability insurance against the loss or damage of property stored at the facility; conditioning the attachment of a lien on the maintenance of such insurance; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Judiciary.

Motion carried.

By Assemblymen Arberry and Williams:

Assembly Bill No. 725—An Act relating to the department of business and industry; revising the limitations on other employment for certain unclassified employees of the department; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Arberry, Williams, Giunchigliani, Freeman and Ohrenschall:

Assembly Bill No. 726—An Act relating to public finance; directing the state treasurer to make certain inactive deposits in financial institutions that lend money to certain borrowers; and providing other matters properly relating thereto.

Assemblyman Arberry moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 261.

Assemblyman Ernaut moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 426.

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

Motion carried.

Senate Bill No. 545.

Assemblyman Ernaut moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 698.

Bill read third time.

Remarks by Assemblymen Spitler and Buckley.

Roll call on Assembly Bill No. 698:

YEAS—42.

NAYS—None.

Assembly Bill No. 698 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 704.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 704:

YEAS—42.

NAYS—None.

Assembly Bill No. 704 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 404.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 404:

YEAS—42.

NAYS—None.

Assembly Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Assembly Bill No. 415 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Price.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:03 p.m.

ASSEMBLY IN SESSION

At 12:11 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Carpenter withdrew his motion.

GENERAL FILE AND THIRD READING

Assembly Bill No. 415.

Bill read third time.

Remarks by Assemblymen Stroth, Giunchigliani and Harrington.

Roll call on Assembly Bill No. 415:

YEAS—41.

NAYS—None.

Not voting—Carpenter.

Assembly Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 425.

Bill read third time.

Remarks by Assemblyman Fettic.

Roll call on Assembly Bill No. 425:

YEAS—42.

NAYS—None.

Assembly Bill No. 425 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 484.

Bill read third time.

Remarks by Assemblymen Buckley, Manendo, Bennett, Ernaut, Ohrenschall, Neighbors and Steel.

Roll call on Assembly Bill No. 484:

YEAS—33.

NAYS—Braunlin, Brower, de Braga, Marvel, Neighbors, Steel, Tiffany, Mr. Speaker Hettrick—8.

Not voting—Carpenter.

Assembly Bill No. 484 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 502.

Bill read third time.

Remarks by Assemblyman Buckley.

Assemblyman Buckley moved that Assembly Bill No. 502 be re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Bill No. 642.

Bill read third time.

Remarks by Assemblyman Steel.

Roll call on Assembly Bill No. 642:

YEAS—39.

NAYS—Lambert, Spitler, Williams—3.

Assembly Bill No. 642 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bill No. 512 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 512.

Bill read third time.

Remarks by Assemblymen Spitler and Humke.

Roll call on Assembly Bill No. 512:

YEAS—42.

NAYS—None.

Assembly Bill No. 512 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 33.

Resolution read third time.

Remarks by Assemblymen Anderson, Carpenter and Humke.

Roll call on Assembly Joint Resolution No. 33:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 33 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that all rules be suspended and that Assembly Bills Nos. 404, 415, 425, 484, 512, 527, 642, 698, 704; Assembly Joint Resolution No. 33 be immediately transmitted to the Senate.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Assembly Bill No. 606, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bills Nos. 602, 606, 716, 720; Senate Bills Nos. 301, 363, 404, 415, 427, 432, 436, 447; Senate Joint Resolution No. 25 be placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 248.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Senate Bill No. 248:

YEAS—41.

NAYS—None.

Not voting—Bennett.

Senate Bill No. 248 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 539.

Bill read third time.

Remarks by Assemblyman Braunlin.

Roll call on Senate Bill No. 539:

YEAS—40.

NAYS—Price, Spitler—2.

Senate Bill No. 539 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 361.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1022.

Amend sec. 8.5, page 4, line 40, by deleting: "and the antecedents".

Amend sec. 8.5, page 4, line 43, by deleting "minor." and inserting "child.".

Amend sec. 8.5, page 4, line 44, by deleting "*3.*" and inserting "3.".

Amend sec. 8.5, page 5, line 5, by deleting "submit a" and inserting "submit the".

Amend sec. 8.5, page 5, line 6, by deleting "[3.] *4.*" and inserting "4.".

Amend the bill as a whole by adding a new section designated sec. 26, following sec. 25, to read as follows:

"Sec. 26. Section 8.5 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 15, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 271.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 303 which was returned from enrollment for the purpose of resolving a conflict with Assembly Bill No. 69.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that the reading of the history on bills and resolutions on the Second Reading File be dispensed with.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 602.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 606.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 785.

Amend section 1, page 1, by deleting lines 5 through 7 and inserting: "*200.460, 200.465 or 200.508 or subsection 3 of NRS 200.5099 because*

the actual or perceived race, color, religion, national origin, physical or mental disability or sexual orientation of the victim was different from that characteristic of the perpetrator, may be punished by imprison-''.

Amend sec. 3, pages 2 and 3, by deleting lines 39 through 47 on page 2 and lines 1 through 7 on page 3 and inserting: ''purposes of this subsection, ''peace officer'' means:

(a) An employee of the department of prisons who does not exercise general control over offenders imprisoned within the institutions and facilities of the department but whose normal duties require him to come into contact with those offenders, when carrying out the duties prescribed by the director of the department.

(b) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 281.0311 to 281.0353, inclusive, when carrying out those powers.

8. The murder involved torture, depravity of mind or the mutilation of the victim.

9. The murder was committed upon one or more persons at random and without apparent motive.

10. The murder was committed upon a person less than 14 years of age.

11. The murder was committed upon a person because of the actual or perceived race, color, religion, national origin , *physical or mental disability* or sexual orientation of that person.

12. The defendant has, in the immediate proceeding, been convicted of''.

Amend sec. 5, page 3, line 24, after ''*200.310,*'' by inserting ''*200.366,*''.

Amend sec. 6, page 4, by deleting lines 1 through 5 and inserting:

''*3. The criminal repository shall include in its annual report to the governor pursuant to subsection 6 of NRS 179A.075, and in any other appropriate report, an independent section relating solely to the analysis of crimes that manifest evidence of prejudice based on race, color, religion, national origin, physical or mental disability or sexual orientation.*''.

Amend sec. 9, page 4, line 14, by deleting ''12:01'' and inserting ''12:02''.

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 716.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 720.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 301.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 993.

Amend sec. 2, page 1, line 7, by deleting "the state's" and inserting: "the base amount for the state's".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 363.

Bill read second time and ordered to third reading.

Senate Bill No. 404.

Bill read second time and ordered to third reading.

Senate Bill No. 415.

Bill read second time and ordered to third reading.

Senate Bill No. 427.

Bill read second time and ordered to third reading.

Senate Bill No. 432.

Bill read second time and ordered to third reading.

Senate Bill No. 436.

Bill read second time and ordered to third reading.

Senate Bill No. 447.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 25.

Resolution read second time and ordered to third reading.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:53 p.m.

ASSEMBLY IN SESSION

At 1:12 p.m.

Mr. Speaker presiding.

Quorum present.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 271.

Assemblyman Ernaut moved that all rules be suspended, reading so far had considered First Reading, rules further suspended, and that Senate Bill No. 271 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 271.

Bill read third time.

Remarks by Assemblymen Price, Giunchigliani and Spitler.

Assemblyman Bache requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to this honorable body. As those of you who were here last session, and those who came this session may remember, there has been a lot of discussion about the prepayment of the insurance premium tax.

The last session passed a bill that would have required the insurance companies, the third largest tax source that we have in our state, the other two being sales and gaming taxes, to begin paying six months in advance. Because of a good economy and various philosophies on prepayment, the Senate had drafted and has now passed, an amended version. It is a bill which would put things back to the way they were, effective today, and not have the prepayment. This was not agreed upon by all parties until late last night.

Due to the work of some of our lobbyists, Senators and interested parties, this morning I personally was advised, as Chairman of Taxation, that the Governor had agreed that he would not object to setting the payment back another two years. They didn't want to repeal the matter, but they would not object to setting it back two years.

Early this morning, one of the business lobbyists, Senator Lowden and the Chairman of the Senate Taxation Committee got together and talked about this and went and got the amendment that I have had placed on your desk. It is a Senate amendment that I personally ran off on one of the Xerox machines. It came out in three colors: yellow, blue and white. I don't know what color that you have on your desk. Anyway, that is an amendment that was just ordered this morning and they actually got it out within an hour. It places a sunset on this bill. It means that for two years the insurance premium tax will be continued to be collected as it always has been. On June 30, 1997, this bill would sunset and the advanced payment would come back in.

The real meaning is that the next session of the Legislature will continue to debate the issue. Everyone thought that this was the best, or agreed that this was an acceptable thing to do. The estimated cost of this is $37,500,000 that will not be coming into the state at this point in time, but as the insurance companies continue to pay quarterly, they will be paying beginning the second half of our biennium. So in 1997, they will be paying in as they always have. I will try to answer any questions you may have.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. When we first created this mess, for lack of a better term, many of us disagreed with this type of policy for prepayment, including myself. However, as usual, we sometimes get held hostage towards the end of the session on how to fund a budget, and that is part of what we did last session. We, in my opinion, made a bad policy decision. I do think that this policy needs to be revisited.

I just wanted to note for the record that although through the surplus that we are realizing this year, and the issue of the rainy day fund, this will now be used to fill the hole that was created. We will have to revisit it in 1997. What it does is, it takes away the issue of the second year hole. I would just like to note for the record that we didn't have a policy to decide. I am being told by members of both houses that because we left a hole in the K-12 budgets, for example, if we were able to plug the second year of the hole, they would be willing to revisit the issue of the proper funding for the base budget.

I would just like to note, for the record, that I hope that consideration and the intent still resides there as a policy decision. That we did not fund another budget correctly and adequately and now that we have set aside the policy of debate, we are going to go ahead and use some of the rainy day fund, and that should open up additional revenue for K-12. I would just hope that this body would remain within its commitment to take a look at that. Thank you, very much.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. You answered my one question, because I was reading the bill as though the amendment were already in it. However, through you to the Co-Chairman of Taxation, I want to make sure that it is clear in my mind that this does not in any way touch the insurance premium tax in general. That it only deals with the advance payment, and the debate is really on whether they should be prepaid, and would be addressed in 1997.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to my honorable colleague. The answer is, "Yes." That is the only thing that it does. Unless there was some mistake in here, which I don't believe there is, it is the only thing we are doing. My only question is, "How could we have ordered an amendment at 10:30 a.m., they adopted it and we got a first reprint over here that fast? How did those guys get this done?"

Roll call on Senate Bill No. 271:

YEAS—41.

NAYS—None.

Not voting—Krenzer.

Senate Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Ernaut moved that all rules be suspended and that Senate Bill No. 271 be immediately transmitted to the Senate.

Motion carried unanimously.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Joint Resolution No. 12, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

P. M. ROY NEIGHBORS	MARK A. JAMES
MAX J. BENNETT	MIKE MCGINNESS
VIVIAN L. FREEMAN	ERNEST E. ADLER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Neighbors moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Joint Resolution No. 12.

Remarks by Assemblyman Neighbors.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 297.

The following Senate amendments were read:

Amendment No. 635.

Amend section 1, page 2, line 32, by deleting "*Order*" and inserting: "*If the child is less than 17 years of age, order*".

Amend section 1, page 2, line 36, after "*child*" by inserting: "*is less than 17 years of age and*".

Amendment No. 856.

Amend section 1, pages 2 and 3, by deleting lines 30 through 46 on page 2 and lines 1 through 3 on page 3 and inserting:

"2. *If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to attend or participate in counseling, alone or together with the child. The counseling required may include, but is not limited to, counseling regarding parenting skills, alcohol or substance abuse or techniques of dispute resolution.*

3. If the court finds that the child is a serious or chronic offender, it may, in addition to the options set forth in [subsection] *subsections* 1 *and 2* of this section and NRS 62.213:".

Amend the title of the bill to read as follows:

"An Act relating to juveniles; authorizing a juvenile court to order counseling for a child and his parent or guardian under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes juvenile court to order counseling for child and parent or guardian under certain circumstances. (BDR 5-1615)".

Amendment No. 910.

Amend section 1, page 2, line 29, by deleting "*child to*" and inserting: "*child:*

(a) To".

Amend section 1, page 2, between lines 32 and 33, by inserting:

"*(b) To pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.*".

Amend the title of the bill, second line, after "circumstances;" by inserting: "authorizing such a court to order the parent or guardian of a child who has committed a delinquent act to pay any fines and penalties imposed for the delinquent act;".

Amend the summary of the bill to read as follows:

"Summary—Authorizes juvenile court to order parent or guardian of juvenile delinquent to participate in counseling and to pay fines and penalties for delinquent act of child under certain circumstances. (BDR 5-1615)".

Assemblyman Humke moved that the Assembly concur in the Senate amendments to Assembly Bill No. 297.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Lambert moved that the Assembly do not recede from its action on Senate Bill No. 303, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Lambert.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Harrington, Segerblom and Bache as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 303.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 374.

The following Senate amendment was read:

Amendment No. 633.

Amend sec. 2, page 1, lines 4 and 5, by deleting: "*drawn or painted on*" and inserting: "*drawn, painted on or affixed to*".

Amend sec. 3, page 2, by deleting lines 1 and 2 and inserting:

"*(a) For the first offense, perform not less than 25 hours, but not more than 49 hours, of community service.*

(b) For the second offense, perform not less than 50 hours, but not more than 99 hours, of community service.".

Amend sec. 3, page 2, line 3, after "*perform*" by inserting: "*not less than*".

Amend sec. 3, page 2, line 7, by deleting "*18*" and inserting "*17*".

Amend sec. 3, page 2, line 22, by deleting: "*safety shall not:*" and inserting "*safety:*".

Amend sec. 3, page 2, line 23, by deleting "*Treat*" and inserting: "*Shall not treat*".

Amend sec. 3, page 2, line 25, by deleting "*Report*" and inserting "*Shall report*".

Amend sec. 3, page 2, line 26, after "record." by inserting: "*An insurance company shall not use any information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.*".

Amend sec. 7, page 4, by deleting lines 25 and 26 and inserting:

"4. The department [shall not:

(a) Treat] *:*

(a) Shall not treat such an unlawful act in the manner statutorily required for mov-".

Amend sec. 7, page 4, line 28, by deleting "Report" and inserting: "[Report] *Shall report*".

Amend sec. 7, page 4, line 29, after "*record.*" by inserting: "*An insurance company shall not use the information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.*".

Amend sec. 7, page 4, line 30, by deleting "Require" and inserting: "[Require] *Shall not require*".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Bill No. 374.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 160.

The following Senate amendment was read:

Amendment No. 904.

Amend section 1, page 1, line 12, by deleting "*50*" and inserting "*33*".

Assemblyman de Braga moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 160.

Remarks by Assemblyman de Braga.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 43.

The following Senate amendment was read:

Amendment No. 750.

Amend section 1, page 1, lines 10 and 11 by deleting: "*or other valid arrangement entered into pursuant to such a statute.*" and inserting: "*with a sheriff or the chief of police.*".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Bill No. 43.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Bill No. 169, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 454, 503, 531, 547, 553, 554, 567, 603; Assembly Joint Resolutions Nos. 26, 35, 36; Senate Bill No. 104.

REMARKS FROM THE FLOOR

Assemblyman Price requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. In past sessions, we have noted by a resolution, the anniversary of the Magna Carta. Today is a very special day, as it is the 780th anniversary of the Magna Carta, which is the forerunner of our own Constitution. I would like to read our resolution from previous years for this legislative day.

WHEREAS, On June 15, 1215, King John of England was compelled to accept the Magna Carta at Runnymede Meadow, 20 miles southwest of London; and

WHEREAS, In 1957 the American Bar Association dedicated a memorial at Runnymede, commemorating the site as the source of the Anglo-American tradition of law; and

WHEREAS, In 1965 Queen Elizabeth dedicated a memorial to President John F. Kennedy on 3 acres of land at Runnymede, which she bestowed upon the people of the United States; and

WHEREAS, The governments of the United States and the State of Nevada were founded upon the great charter of English and American liberty; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the Nevada Legislature hereby acknowledges the 780th anniversary of the Magna Carta this 15th day of June 1995.

I've also been furnished with a list from Ambassador Merlin, advising us of a number of people that we know, here in Nevada, who are descendents of signers of the Magna Carta. We have William Mallet and Gilbert de Clare who are descendents of George Flint. Robert Fitzwalter of Reno who is a descendent of Mary Porter. Robert de Vere of Sparks who is a descendent of J. Coats. Former Justice John Mowbray who is a descendent of William de Mowbray. Also, ambassador Merlin who is a descendent of William the Earl of Arundle Castle. There is a Magna Carta society which they all belong to, and we wished to make note of that today. We thank you, Mr. Speaker.

Assemblyman Anderson requested that Assemblyman Humke's remarks be entered in the Journal.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. It is a great pleasure for me today to reintroduce to this esteemed body, Yani Dickens. Yani has been a guest of mine each session since 1985. I have several bullets that I will go through quickly.

Yani has several accomplishments to show in his young life. In 1987, he persuaded Marvin Sedway to engage in a $5.5 million funding for the University of Nevada-Reno Engineering Lab Center with the assistance of several others.

He is a 1995 graduate of McQueen High School in Assembly District No. 29, Assemblywoman Joan Lambert's district.

He is guided by the "Triple A" policy at home: Academics, arts and athletics. In academics, he has a 3.65 GPA, while carrying approximately 5½ excess credits needed to graduate, which 16 credits were in honors. He is an academic letterman.

His mother, who is known to this Assembly, is a seventh generation musician, who has visited each of the last several sessions with the Westergard Honor Chorus at the invitation of Assemblywoman Lambert. Perhaps, you remember that chorus which was here a few weeks ago? This young man plays both the piano and the violin. He has participated in the McQueen Chamber Orchestra every day at the hour of 6:45 a.m. for four years. He is a music letterman.

I could go on to describe the fact he is a McQueen soccer player and has been for four years. In the words of his father, "He plays striker and kicks a ball at speeds that goalies cannot stop." He had a serious knee injury in the fall of 1994 and has established the ACL Knee Injury Club at McQueen High School. Assemblyman Arberry is a honorary member of the ACL Knee Club. Yani also lettered in soccer.

He has also participated in community service. He is the soccer coach for 14 boys, a youth soccer league, which includes his brother, who is achieving great fame. His plans include college. He has turned down $39,000 in scholarships in order to attend the "Honors" program at the University of Nevada-Reno. Yani plans to be an orthopedic surgeon.

Mr. Speaker, this lad has been with me for 10 years now, and to me, he epitomizes a whole host of kids who graduated from high school this spring. I would like to, in my way by pointing to Yani, honor all such kids who have graduated from high school. He is a great kid. His father is Bob Dickens; his mother is Patty Dickens. I love him like a son. I wish you would welcome him today.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Norrine Buck, Judy Bosich, Keni McKenzie, Megan McKenzie and Carol Dickerson.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Yani L. Dickens.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Lori Mockus Buerger.

Assemblyman Ernaut moved that the Assembly adjourn until Friday, June 16, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 1:46 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-SECOND DAY

CARSON CITY (Friday), June 16, 1995

Assembly called to order at 11:07 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblyman Carpenter, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

God, bless America. God, bless Nevada. God, bless each member of this Assembly. Thank you. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 287, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was re-referred Assembly Bill No. 345, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 721; Senate Bills Nos. 544, 551; Senate Joint Resolution No. 11, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 438, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 211, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 635, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 15, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 91.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 61, 510, 645, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 105 and requests a conference, and appointed Senators Lowden, Mathews and Washington as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 12.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Assembly Concurrent Resolution No. 21, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 483.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 56, 231, 255, 291, 431, 543, 547.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Joint Resolution No. 12.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 42.

Assemblyman Harrington moved the adoption of the resolution.

Remarks by Assemblyman Harrington.

Resolution adopted.

By Assemblymen Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams:

Assembly Concurrent Resolution No. 47—Commending native son Grant Bowler for his public service to the State of Nevada.

WHEREAS, Grant M. Bowler was born and raised in Mesquite, Nevada, and will celebrate his 83rd birthday in September; and

WHEREAS, Throughout his life, Grant Bowler has demonstrated outstanding leadership skills by serving his fellow man, his community and the State of Nevada; and

WHEREAS, In 1935, after graduation from Brigham Young University, Grant Bowler moved to Logandale, Nevada, where he served as principal of the Logandale Elementary School until 1941 when he continued his educational career as the principal of the Moapa Valley High School, serving a total of 35 years until his retirement in 1976; and

WHEREAS, As an educator, Grant Bowler initiated many innovative policies and programs designed to instill within his pupils a strong sense of morals and solid values, self-esteem and an appreciation for the values of education; and

WHEREAS, Grant Bowler has always been highly respected among his peers and served as charter president of the Nevada Secondary School Principals Association; and

WHEREAS, Grant Bowler helped organize and served for many years as a member of the Board of Directors of the Moapa Valley Water District and he also served for over 25 years as a member of the Town Boards in Moapa Valley; and

WHEREAS, Grant Bowler was active in the Boy Scouts of America as an Eagle Scout and later for many years as a Scoutmaster, receiving the Silver Beaver Award from the Boy Scouts of America in recognition of his years of dedicated service; and

WHEREAS, Grant Bowler has strong religious ties with his church and served for 5 years as Bishop of the Logandale L.D.S. Ward, 19 years as President of the Moapa L.D.S. Stake, 3 years as a Regional Representative of the Quorum of the Twelve, 5 years as President of the St. George Temple and he is currently Stake Patriarch for the Logandale Nevada Stake, a position he has held for the past 14 years; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 68th session of the Nevada Legislature do hereby commend Grant Bowler for his public service to his fellow man, his community and the State of Nevada; and be it further

RESOLVED, That the Nevada Legislature recognizes and commends Grant Bowler for a lifetime of selfless endeavors and accomplishments as he continues to seek the best for his community and this state; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Grant M. Bowler.

Assemblyman Allard moved the adoption of the resolution.

Remarks by Assemblymen Allard, Harrington, Close, Ohrenschall and Price.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ALLARD:

Thank you, Mr. Speaker. It is with great honor that I stand in support of this resolution. Assembly Concurrent Resolution No. 47 commends Mr. Grant Bowler for a lifetime of community service. Few people have ever had the effect on their community as Mr. Bowler has had.

Mr. Bowler is a native of Mesquite, Nevada. He served as the principal of the Moapa Valley High School for 35 years. If you want to know what kind of effect Mr. Bowler has had on the community, you need only ask the many residents of Overton in Moapa Valley. His continued involvement in education, church, the town board and politics have made him a legend in rural Clark County.

While I was campaigning for office, Mr. Bowler was one of the persons I conferred with. While sitting on the front porch of his home, he told me something I will never forget. He said, "Dennis, if you aren't willing to stir things up a bit, you will never change anything." If you know Mr. Bowler, you know that this statement is indicative of him. He has never shrunk from the responsibility of changing things for the betterment of our community. Therefore, I urge your support of this resolution. Thank you.

ASSEMBLYMAN HARRINGTON:

Thank you, Mr. Speaker. To you and through you to this honorable body. I, too, rise in support of Assembly Concurrent Resolution No. 47. I don't know Grant Bowler person-

ally, but being a fellow BYU graduate and serving as a bishop myself, I know some of the sacrifices this entails. I commend him for doing the other things listed in the resolution. I do appreciate men of his caliber.

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker. I rise in support of Assembly Concurrent Resolution No. 47. It has been my pleasure and opportunity to know Mr. Grant Bowler since I returned to Las Vegas from graduate school. Likewise, I've not had the opportunity to be associated with his family for a number of years.

I think Mr. Allard has correctly identified Mr. Bowler in the way he attacks things. He attacks things 110 to 150 percent. The beauty of Mr. Bowler is the fact that you always knew where you stood. He was not shy in telling you what he felt. He always shared that feeling with you.

I think it is very good for this legislature to commend this man because even though he comes from a rural part of Nevada, his influence has gone further than that. It has definitely had an impact in Las Vegas. I urge your support.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 47. I first came in contact with Grant Bowler in the late 1970s when he was president of the LDS Temple in St. George, Utah.

I didn't know him, but I did know an individual who he had known a long time before who desperately needed his help. I called him up and got through to him immediately. The individual I was calling about was someone who was controversial. Many people would have preferred to claim they didn't know this person, but Grant Bowler said, "I will help, put it in writing." He came forward and assisted the individual. I will never forget that.

Since that time, I've come to make his acquaintance personally during various trips to Logandale and Overton. I greatly admire his energy and courage. I feel he is the quintessential example of the Nevada tradition. I strongly urge that we adopt Assembly Concurrent Resolution No. 47.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Concurrent Resolution No. 47. Grant has been infamous in Southern Nevada since I moved there many years ago. We have met on one or two occasions that he probably wouldn't recall.

I had the pleasure of being next door neighbors with one of his relatives. I can't recall the relationship, but for 13 years they were wonderful neighbors and a great part of Nevada history. It is with great pleasure that I participate in honoring him.

Resolution adopted unanimously.

Assemblyman Perkins moved that all rules be suspended and that Assembly Concurrent Resolution No. 47 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Allard moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:22 a.m.

ASSEMBLY IN SESSION

At 11:23 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Senate Bill No. 85 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Bill No. 65 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Price moved that Assembly Bill No. 602 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Spitler moved that Senate Bill No. 252 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Steel moved that Assembly Bill No. 386 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 361; Senate Bill No. 301 be placed on the General File immediately following Assembly Bill No. 716.

Motion carried.

Assemblyman Steel moved that Assembly Bill No. 386 be taken from the Second Reading File and re-referred to the Committee on Economic Development and Tourism.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 520, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 56.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 231.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 255.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 291.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 431.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 483.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 543.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 547.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 169.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1007.

Amend sec. 2, page 3, line 1, after "*not make*" by inserting: "*, commit to make*".

Amend sec. 2, page 3, line 4, by deleting: "*Forty days after a general election*" and inserting: "*Thirty days before a regular session of the legislature*".

Amend sec. 3, page 3, line 12, after "contribution" by inserting: "*, or solicit or accept a commitment to make such a contribution*".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than:

(a) Fifteen days before the primary election, for the period from *30 days before the regular session of the legislature after* the last election for that office up to 20 days before the primary election;

(b) Fifteen days before the general election, whether or not the candidate won the primary election, for the period from 20 days before the primary election up to 20 days before the general election; and

(c) The 15th day of the second month after the general election, for the remaining period up to 30 days [after the general election,] *before the next regular session of the legislature,*

report the total amount of his campaign contributions on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

2. Except as otherwise provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Fifteen days before the special election, for the period from his nomination up to 20 days before the special election; and

(b) Thirty days after the special election, for the remaining period up to the special election,

report the total amount of his campaign contributions on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report the total amount of his campaign contributions on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury, 30 days after the special election, for the period from the filing of the notice of intent to circulate the petition for recall up to the special election.

4. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. Every county clerk who receives from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign contributions pursuant to subsection 2 shall file a copy of each report with the secretary of state within 10 working days after he receives the report.

6. Each contribution in excess of $500 and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the first reporting period, must be separately identified with the name and address of the contributor and the date of the contribution or contributions, tabulated and reported on the form provided by the secretary of state.

7. Except as otherwise provided in this section, any candidate who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 4. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than:

(a) Fifteen days before the primary election, for the period from 30 days *before the regular session of the legislature* after the last election for that office up to 20 days before the primary election;

(b) Fifteen days before the general election, whether or not the candidate won the primary election, for the period from 20 days before the primary election up to 20 days before the general election; and

(c) The 15th day of the second month after the general election, for the remaining period up to 30 days [after the general election,] *before the next regular session of the legislature,*

report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

2. Except as provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Fifteen days before the special election, for the period from his nomination up to 20 days before the special election; and

(b) Sixty days after the special election, for the remaining period up to 30 days after the special election,

report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury, 60 days after the special election, for the period from the filing of the notice of intent to circulate the petition for recall up to 30 days after the special election.

4. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. County clerks who receive from candidates for legislative or judicial office, except the office of justice of the peace or municipal judge, reports of campaign expenses pursuant to subsection 2 shall file a copy of each report with the secretary of state within 10 working days after he receives the report.

6. Except as otherwise provided in this section, any candidate who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.".

Amend sec. 3, page 3, by deleting lines 14 and 15 and inserting:

"(a) Thirty days before a regular session of the legislature and ending 30 days after the final adjournment of a regular".

Amend the bill as a whole by deleting sec. 4.

Amend the title of the bill by deleting the fifth and sixth lines and inserting: "tions during certain periods; revising the periods during which contributions and expenditures are required to be reported; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the second line and inserting: "legislators, contributions made to certain public officers and reporting requirements of campaign contributions and expenditures. (BDR 17-31)"

Assemblyman Giunchigliani moved the adoption of the amendment.
Remarks by Assemblyman Giunchigliani.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 196.
Bill read third time.
Remarks by Assemblyman Lambert.
Roll call on Assembly Bill No. 196:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 196 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 716.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Assembly Bill No. 716:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 716 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 720 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 361.
Bill read third time.
Remarks by Assemblyman Sandoval.
Roll call on Assembly Bill No. 361:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 301.
Bill read third time.
Remarks by Assemblymen Giunchigliani and Segerblom.

Roll call on Senate Bill No. 301:

YEAS—38.

NAYS—None.

Absent—Carpenter.

Not voting—Anderson, Humke, Krenzer—3.

Senate Bill No. 301 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended and that Assembly Bills Nos. 196, 361, 716; Assembly Concurrent Resolution No. 42 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 363.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 363:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 363 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 404.

Bill read third time.

Remarks by Assemblymen Schneider and Goldwater.

Roll call on Senate Bill No. 404:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 404 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 415.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Senate Bill No. 415:

YEAS—38.

NAYS—Close, de Braga, Lambert—3.

Absent—Carpenter.

Senate Bill No. 415 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 427.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Senate Bill No. 427:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 427 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 432.
Bill read third time.
Remarks by Assemblyman Ohrenschall.
Roll call on Senate Bill No. 432:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 432 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 436.
Bill read third time.
Remarks by Assemblyman Stroth.
Roll call on Senate Bill No. 436:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 436 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 447.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Senate Bill No. 447:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Williams moved that Senate Bill No. 85 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Joint Resolution No. 25.

Resolution read third time.

Remarks by Assemblyman Neighbors.

Roll call on Senate Joint Resolution No. 25:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Joint Resolution No. 25 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 65.

Bill read third time.

The following amendment was proposed by Assemblyman Giunchigliani:

Amendment No. 1037.

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. NRS 179A.140 is hereby amended to read as follows:

179A.140 [1.] Agencies of criminal justice [may] *:*

1. Shall charge a fee for information relating to sexual offenses or other records of criminal history furnished in response to a request by a prospective employer concerning an applicant for employment; and

2. May charge a reasonable fee for any *other* information relating to sexual offenses or other records of criminal history furnished to any person or governmental entity except another agency of criminal justice.

[2.] *3.* All money received or collected by the department pursuant to this section must be used to defray the cost of operating the central repository.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 602.

Bill read third time.

Remarks by Assemblyman Price.

Assemblyman Perkins requested that Assemblyman Price's remarks be entered in the Journal.

Thank you, Mr. Speaker. To you and through you to this honorable body. First, I would like to express my thanks to the Co-Chairmen and members of the Government Affairs Committee for their hard work and cooperation on this bill. Especially to my distinguished colleague from Assembly District No. 4 who worked so hard on this with her subcommittee.

The intent of Assembly Bill No. 602 is to clarify an area in the open meeting law. Back in 1977, I was a co-sponsor along with the Honorable Speaker that is chairing us today. There were some areas that I thought needed to be clarified. Once we started having meetings of the subcommittee on this, with the Attorney General's office and others, it turned out that I was worrying too much because the existing language covered a lot of items. I'm going to mention two or three of them for the legislative record.

One of the phenomena that has occurred since we passed this bill is that Nevada was one of the first to bring about sunshine laws. I was looking at a report from Illinois that rates all the states, and Nevada was listed as the fourth in having the best open meeting laws. Of course, the idea of an open meeting or sunshine law is to let the public know the thinking process and how we collectively come to a decision. These agencies just don't wake up one day and make a decision. It is a process where communication is exchanged and that is the big change that has happened since 1977.

In 1977, when a meeting was held, everyone went into a room. Now, with telecommunications and the computer changes that have come about in the meeting process, the communication that goes back and forth today is done by computers. We did have telephones in 1977, and we used them. But look at what we, ourselves, are doing. We now have here and in Las Vegas, the facilities for telecommunications to make decisions and have meetings.

When you think of the meeting, as you simply read the law, you might think a meeting was all a bunch of people in one room. This is not the case. Think about how we make a roll call. We have legislators at this end and legislators at that end. The very first thing we do is have a roll call, which means we are all present. It doesn't mean we are present in one room. It means we are all present to deliberate and to take action on meetings. These are some of the things that we wanted to get clarified.

I thought it was going to be written down, but I find from attorneys who know things better than I do, that it doesn't have to be word by word in a bill. Legislative intent is important and also recognition that things develop over the years as ours has.

I hope that you will support Assembly Bill No. 602. I'm not sure, over the years, if we've had any opposition to open meetings. Well, I think everyone loves this, they are waving flags at me. With that, I will sit down. Thank you.

Roll call on Assembly Bill No. 602:

YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 602 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 252.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 884.

Amend the bill as a whole by renumbering sections 1 through 6 as sections 4 through 9 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 489 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *1. Every partnership doing business as a manufacturer, dealer, rebuilder, serviceman or installer in this state shall designate one of its members, and every corporation doing business as a manufacturer, dealer, rebuilder, serviceman or installer in this state shall designate one of its officers, to submit an application for a manufacturer's, dealer's, rebuilder's, serviceman's or installer's license.*

2. The division shall issue a manufacturer's, dealer's, rebuilder's, serviceman's or installer's license to the member or officer on behalf of the corporation or partnership, upon:

(a) The designated member or officer, in the case of a dealer, rebuilder, serviceman or installer, successfully passing the examination requirement pursuant to NRS 489.351; and

(b) Compliance with all other requirements of law or any other additional requirements the division may from time to time prescribe by regulation by the partnership or corporation, as well as by the designated member or officer.

3. Upon receipt of the license the designated member or officer is entitled to perform all the acts authorized by a license issued by the division, except:

(a) That the license issued entitles the designated member or officer to act pursuant to the terms and conditions of the license issued by the division only as officer or agent of the partnership or corporation, and not on his own behalf; and

(b) That if the person designated by the partnership or corporation:

(1) Is refused a license by the division; or

(2) Ceases to be connected with the partnership or corporation,

the partnership or corporation may designate another person who shall make application and qualify as in the first instance.

Sec. 3. *Each member or officer of a partnership or corporation who will perform or engage in any of the acts specified in NRS 489.076, 489.105, 489.115 or 489.135, other than the member or officer designated for such purpose by the partnership or corporation in the manner provided in section 2 of this act, shall make application for and take out a separate manufacturer's, dealer's, rebuilder's, serviceman's or installer's license in his own name. The license issued to any such member or officer of a partnership or corporation entitles the member or officer to act as a manufacturer, dealer, rebuilder, serviceman or installer only as an officer or agent of the partnership or corporation and not on his own behalf.*".

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Sec. 4. *1. The division may establish a trust account in the state treasury in which*".

Amend sec. 2, page 1, line 13, by deleting "*section 1*" and inserting "*section 4*".

Amend sec. 3, page 2, line 18, by deleting "*section 1*" and inserting "*section 4*".

Amend sec. 4, page 2, line 24, by deleting "*section 1*" and inserting "*section 4*".

Amend sec. 5, page 2, line 36, by deleting "*section 1*" and inserting "*section 4*".

Amend the title of the bill, second line, after "industry;" by inserting: "providing requirements for the licensing of certain applicants as a manufacturer, dealer, rebuilder, serviceman or installer;".

Amend the summary of the bill, second line, by deleting "fees." and inserting: "fees and provides requirements for licensing of certain applicants as manufacturer, dealer, rebuilder, serviceman or installer.".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 637, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 287, 438, 635, 637, 721; Senate Bills Nos. 211, 520, 544, 551; Senate Joint Resolution No. 11 be placed on the Second Reading File.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 510.

The following Senate amendment was read:

Amendment No. 712.

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

"Sec. 2. NRS 116.3115 is hereby amended to read as follows:

116.3115 1. Until the association makes an assessment for common expenses, the declarant shall pay all common expenses. After an assessment has been made by the association, assessments must be made at least annually, based on a budget adopted at least annually by the association.

2. Except for assessments under subsections 3, 4 and 5, all common expenses, including a reserve, must be assessed against all the units in accordance with the allocations set forth in the declaration pursuant to subsections 1 and 2 of NRS 116.2107. Any past due assessment for common expenses or installment thereof bears interest at the rate established by the association not exceeding 18 percent per year.

3. To the extent required by the declaration:

(a) Any common expense associated with the maintenance, repair or replacement of a limited common element must be assessed against the units to which that limited common element is assigned, equally, or in any other proportion the declaration provides;

(b) Any common expense or portion thereof benefiting fewer than all of the units must be assessed exclusively against the units benefited; and

(c) The costs of insurance must be assessed in proportion to risk and the costs of utilities must be assessed in proportion to usage.

4. Assessments to pay a judgment against the association may be made only against the units in the common-interest community at the time the judgment was entered, in proportion to their liabilities for common expenses.

5. If any common expense is caused by the misconduct of any unit's owner, the association may assess that expense exclusively against his unit.

6. If liabilities for common expenses are reallocated, assessments for common expenses and any installment thereof not yet due must be recalculated in accordance with the reallocated liabilities.

7. *The association shall not levy an assessment to pay for a capital improvement unless the association obtains the consent of a majority of the owners of the affected units in the same fiscal year that the assessment is levied.*".

Amend the title of the bill, second line, after "communities;" by inserting: "requiring the consent of a majority of the owners of affected units before an association levies an assessment to pay for a capital improvement;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes to provisions governing common-interest communities. (BDR 10-47)".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 510.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Brower moved that Assembly Bill No. 438 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Brower.

Motion lost on a division of the house.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:11 p.m.

ASSEMBLY IN SESSION

At 12:12 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 287.

Bill read second time.

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

Amendment No. 1002.

Amend section 1, pages 1 and 2, by deleting lines 14 through 25 on page 1 and lines 1 through 3 on page 2, and inserting:

"2. In a mobile home park or company town [where the landlord or owner is billed by a water utility and in turn charges the tenants or occupants of the dwellings for the service provided by the utility, and the park or town:] *that:*

(a) Is equipped with individual *water* meters for each lot, the [landlord or owner shall not charge a tenant or occupant for that service at a rate higher than the rate paid by the landlord or owner.] *individual meters must be read and billed by the purveyor of the water.*

(b) Is not equipped with individual *water* meters for each lot [:

(1) The landlord or owner shall not convert from the master-metered system to individual meters; and

(2) The] *and the landlord or owner is billed by the purveyor of the water and in turn charges the tenants or occupants of the dwellings for the service provided by the purveyor, the* landlord or owner shall prorate the cost of the service equally among the tenants of the park or occupants of the dwellings who use the service, but the prorated charges must not exceed in the aggregate the cost of the service to the landlord or owner.

The landlord or owner of a mobile home park that converts from a master-metered water system to individual water meters for each mobile home lot shall not charge or receive any fee, surcharge or rent increase to recover from his tenants the costs of the conversion. The owner of a company town that is not equipped with individual water meters shall not convert from the master-metered water system to individual water meters.".

Amend sec. 2, page 3, line 43, by deleting: "*fee or surcharge*" and inserting: "*fee, surcharge or rent increase*".

Amend sec. 3, page 4, after line 13, by inserting:

"*3. In a county whose population is 400,000 or more, each mobile home park constructed after October 1, 1995, must provide direct water service, as provided in paragraph (b) of subsection 2, that is connected to individual meters for each lot. The individual meters must be installed in compliance with any uniform design and construction standards adopted by the public utility or city, county or other governmental entity which provides water service in the county.*".

Amend the title of the bill, third line, by deleting "allowing" and inserting "requiring".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 438 be taken from its position on the Second Reading File and placed at the bottom of the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 635.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 827.

Amend sec. 2, page 3, by deleting lines 5 and 6 and inserting: "*person declared to be elected.*".

Amend sec. 2, page 3, line 7, by deleting: "*returned to him.*".

Amend sec. 2, page 3, by deleting lines 17 through 33.

Amend sec. 2, page 3, line 34, by deleting "*9.*" and inserting "*8.*".

Amend sec. 5, page 5, by deleting line 6.

Amend sec. 5, page 5, line 7, by deleting "*(c)*" and inserting "*(b)*".

Amend sec. 5, page 5, line 9, by deleting "*(d)*" and inserting "*(c)*".

Amend sec. 5, page 5, line 12, by deleting "*(e)*" and inserting "*(d)*".

Amend sec. 5, page 5, by deleting lines 26 through 28.

Amend sec. 5, page 5, line 29, by deleting "*4.*" and inserting "*3.*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 637.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 809.

Amend sec. 2, page 2, line 18, by deleting: "[shall not] *may*" and inserting "shall not".

Amend sec. 3, page 3, by deleting lines 19 through 22 and inserting: "operator of the business.".

Amend sec. 5, page 4, line 33, by deleting the open bracket before "shall".

Amend sec. 5, page 4, line 35, by deleting "5." and inserting "[5.] *3.*".

Amend sec. 5, page 4, by deleting lines 38 through 40 and inserting: "him for a like business in this state.".

Amend the bill as a whole by deleting sections 6 through 9 and renumbering sec. 10 as sec. 6.

Amend sec. 10, page 6, line 26, by deleting: "*in a public building or*".

Amend the bill as a whole by renumbering sections 11 and 12 as sections 8 and 9 and adding a new section designated sec. 7, following sec. 10, to read as follows:

"Sec. 7. 1. There is hereby appropriated from the state general fund to the bureau of alcohol and drug abuse in the rehabilitation division of the department of employment, training and rehabilitation for the purpose of enforcing NRS 202.2491, 202.2492 and 202.2493, the sum of:

For the fiscal year 1995-96 ..... $60,000

For the fiscal year 1996-97 ..... $60,000

2. Any balance of the sums appropriated by subsection 1 remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 11, page 6, by deleting lines 30 through 32 and inserting:

"Sec. 8. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.".

Amend sec. 12, page 6, line 33, by deleting "10" and inserting "6".

Amend the title of the bill to read as follows:

"An Act relating to tobacco; revising provisions governing crimes related to tobacco; making an appropriation to the bureau of alcohol and drug abuse of the rehabilitation division of the department of employment, training and rehabilitation for the enforcement of certain provisions governing crimes related to tobacco; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing crimes related to tobacco and makes appropriation to bureau of alcohol and drug abuse of rehabilitation division of department of employment, training and rehabilitation. (BDR 15-1692)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Assemblyman Freeman moved that Assembly Bill No. 637 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 721.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 211.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1003.

Amend section 1, page 1, line 3, by deleting "$707,342" and inserting "$713,763".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 520.

Bill read second time and ordered to third reading.

Senate Bill No. 544.

Bill read second time and ordered to third reading.

Senate Bill No. 551.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 11.

Resolution read second time and ordered to third reading.

Assembly Bill No. 438.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 825.

Amend sec. 2, page 1, lines 3 and 4, by deleting: "*an oral or topical medication*" and inserting: "*a topical medication or an oral antibiotic*".

Amend sec. 4, page 1, line 12, by deleting "*and*".

Amend sec. 4, page 1, by deleting line 15 and inserting: "*in Optometry on or after January 1, 1993, or an equivalent examination approved by the board; and*

3. The successful completion of not fewer than 40 hours of clinical training in administering and prescribing therapeutic pharmaceutical agents in a training program which is conducted by an ophthalmologist and approved by the board.".

Amend sec. 7, page 2, line 5, by deleting "The" and inserting "*1.* The".

Amend sec. 7, page 2, line 9, by deleting "1." and inserting "[1.] *(a)*".

Amend sec. 7, page 2, line 10, by deleting "2." and inserting "[2.] *(b)*".

Amend sec. 7, page 2, line 19, by deleting "3. [Examination]" and inserting:

"[3. Examination]

(c)".

Amend sec. 7, page 2, by deleting lines 25 and 26 and inserting: "visual processes . [thereof.

4. Prescribing or]

(d) Prescribing, directing the use of [,] or using any optical device in".

Amend sec. 7, page 2, line 28, by deleting "5." and inserting "[5.] *(e)*".

Amend sec. 7, page 2, line 29, by deleting "6." and inserting "[6.] *(f)*".

Amend sec. 7, page 2, line 32, by deleting "7." and inserting "[7.] *(g)*".

Amend sec. 7, page 2, line 36, by deleting "*8.*" and inserting "*(h)*".

Amend sec. 7, page 2, by deleting lines 38 and 39 and inserting:

"*(i) Removing a foreign object from the surface or epithelium of the eye.*".

Amend sec. 7, page 2, line 40, by deleting "*10.*" and inserting "*(j)*".

Amend sec. 7, page 2, between lines 41 and 42, by inserting:

"*2. The provisions of this section do not authorize an optometrist to engage in any practice which includes:*

(a) The incision or suturing of the eye or its appendages;

(b) The use of lasers for surgical purposes; or

(c) The treatment of glaucoma.".

Amend the bill as a whole by deleting sections 9 through 13 and renumbering sections 14 through 18 as sections 9 through 13.

Assemblyman Fettic moved the adoption of the amendment.

Remarks by Assemblyman Fettic.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker announced the appointment of Assemblymen Sandoval and Goldwater as a committee to review the status of the Conference Committees.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Nolan, Chowning and Stroth as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 105.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 43, 237, 238, 241, 244, 247, 248, 249, 250, 251, 266, 297, 369, 374, 477, 488, 608; Senate Bills Nos. 93, 163, 375, 399, 409, 476, 513, 522, 523; Senate Joint Resolution No. 12; Senate Concurrent Resolution No. 53.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Lynn Bowler and Ace Robison.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to William Van Allen and Hazel Van Allen.

Assemblyman Perkins moved that the Assembly adjourn until Saturday, June 17, 1995 at 8 a.m.

Motion carried.

Assembly adjourned at 12:29 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-THIRD DAY

CARSON CITY (Saturday), June 17, 1995

Assembly called to order at 8:11 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman de Braga, who was excused.

Prayer by the Chaplain, The Reverend Bruce Henderson.

A portion of today's prayer is by Alaska Senate Chaplain Bill Choslovsky and was suggested for our use by our Librarian.

Lord, before You stands a most dedicated bunch. Please give these men and women the wisdom to recognize that their differences need not be disabilities and the strength to insure as much. Just as it takes both proton and electron to make life as we know it possible, it also takes both Republican and Democrat to make life as we know it better. We ask that divine intervention not be necessary in this chamber.

We're here on the weekend, Father, because we're trying to wrap things up. Please be with us. But, I especially ask You to be with all our support staff. Please strengthen our aides, pages, researchers, bill drafters, fiscal analysts, front desk and all others as they work toward our conclusion. It's hard on them, Lord. And, in the immortal words of Bartles and James, "We thank You for Your support." AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Joint Resolution No. 40, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN CARPENTER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 16, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 361, 449, 472, 604.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 192, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 45, 47.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 129.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 70, 224, 299, 488, 505, 561.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Porter, Shaffer and Jacobsen as a first Committee on Conference concerning Senate Bill No. 189.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Townsend and Regan as a first Committee on Conference concerning Senate Bill No. 272.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 70.

Assemblyman Stroth moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 129.

Assemblyman Stroth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 224.

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

Motion carried.

Senate Bill No. 299.

Assemblyman Stroth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 488.

Assemblyman Stroth moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 505.

Assemblyman Stroth moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 561.

Assemblyman Stroth moved that the bill be referred to the Committee on Commerce.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Assembly Bills Nos. 65, 287, 438, 635; Senate Bills Nos. 169, 211, 252 be placed on the General File immediately following Assembly Bill No. 721.

Motion carried.

Assemblyman Stroth moved that Assembly Bill No. 438 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 345.

Bill read third time.

Remarks by Assemblymen Perkins, Anderson, Lambert, Segerblom, Humke and Dini.

Assemblymen Bache, Harrington and Marvel moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 345.

Roll call on Assembly Bill No. 345:

YEAS—38.

NAYS—Anderson, Humke, Steel—3.

Absent—de Braga.

Assembly Bill No. 345 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 721.

Bill read third time.

Remarks by Assemblymen Lambert and Ernaut.

Roll call on Assembly Bill No. 721:

YEAS—41.

NAYS—None.

Absent—de Braga.

Assembly Bill No. 721 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Close moved that Assembly Bill No. 528 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 65.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 65:

YEAS—41.

NAYS—None.

Absent—de Braga.

Assembly Bill No. 65 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 287.

Bill read third time.

Remarks by Assemblymen Bennett, Close, Schneider, Bache and Steel.

Roll call on Assembly Bill No. 287:

YEAS—40.

NAYS—None.

Absent—de Braga.

Not voting—Carpenter.

Assembly Bill No. 287 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 635.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 635:

YEAS—41.

NAYS—None.

Absent—de Braga.

Assembly Bill No. 635 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 169.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Bennett and Harrington.

Roll call on Senate Bill No. 169:

YEAS—41.

NAYS—None.

Absent—de Braga.

Senate Bill No. 169 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that all rules be suspended and that Assembly Bills Nos. 65, 287, 345, 635, 721 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 211.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 211:

YEAS—41.

NAYS—None.

Absent—de Braga.

Senate Bill No. 211 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 252.

Bill read third time.
Remarks by Assemblyman Schneider.
Roll call on Senate Bill No. 252:
YEAS—41.
NAYS—None.
Absent—de Braga.

Senate Bill No. 252 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 520.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Senate Bill No. 520:
YEAS—41.
NAYS—None.
Absent—de Braga.

Senate Bill No. 520 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 544.
Bill read third time.
Remarks by Assemblyman Braunlin.
Roll call on Senate Bill No. 544:
YEAS—41.
NAYS—None.
Absent—de Braga.

Senate Bill No. 544 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 551.
Bill read third time.
Remarks by Assemblymen Bache and Ernaut.
Roll call on Senate Bill No. 551:
YEAS—41.
NAYS—None.
Absent—de Braga.

Senate Bill No. 551 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 11.
Resolution read third time.
Remarks by Assemblyman Dini.
Roll call on Senate Joint Resolution No. 11:
YEAS—41.
NAYS—None.
Absent—de Braga.

Senate Joint Resolution No. 11 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 438.

Bill read third time.

The following amendment was proposed by Assemblyman Brower:

Amendment No. 1085.

Amend sec. 2, page 1, line 3, after "*medication*" by inserting: ", *other than a topical steroid,*".

Assemblyman Brower moved the adoption of the amendment.

Remarks by Assemblymen Brower, Fettic, Close, Tiffany and Bache.

Conflict of interest declared by Assemblyman Harrington.

Amendment lost.

The following amendment was proposed by Assemblyman Giunchigliani:

Amendment No. 1073.

Amend sec. 2, page 1, line 4, by deleting: "*or an oral antibiotic*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Assemblymen Allard, Giunchigliani and Bache requested a roll call on Assemblyman Giunchigliani's motion.

Roll call on Assemblyman Giunchigliani's motion:

YEAS—14.

NAYS—Anderson, Arberry, Batten, Buckley, Carpenter, Close, Ernaut, Evans, Fettic, Freeman, Goldwater, Humke, Krenzer, Marvel, Neighbors, Nolan, Perkins, Sandoval, Schneider, Segerblom, Spitler, Stroth, Tripple, Williams, Mr. Speaker Dini, Mr. Speaker Hettrick—26.

Absent—de Braga.

Not voting—Harrington.

The motion having failed to receive a majority, Mr. Speaker declared the amendment lost.

Remarks by Assemblymen Fettic, Tiffany, Batten, Lambert, Close, Nolan, Bennett, Giunchigliani and Freeman.

Assemblymen Ernaut, Perkins and Marvel moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 438.

Roll call on Assembly Bill No. 438:

YEAS—27.

NAYS—Allard, Bache, Bennett, Braunlin, Brower, Chowning, Giunchigliani, Lambert, Manendo, Ohrenschall, Schneider, Steel, Tiffany—13.

Absent—de Braga.

Not voting—Harrington.

Assembly Bill No. 438 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Assemblyman Stroth moved that all rules be suspended and that Assembly Bill No. 438 be immediately transmitted to the Senate.

Motion carried unanimously.

Assembly Bill No. 528.

Bill read third time.

The following amendment was proposed by Assemblyman Close:

Amendment No. 1076.

Amend sec. 3, page 1, line 15, by deleting: "*agree to enter into*" and inserting "*make available*".

Amend sec. 3, page 2, by deleting line 10 and inserting: "*more than $20,000 unless the project has been disapproved by a majority of the tenants of*".

Amend sec. 4, page 2, by deleting lines 15 and 16 and inserting: "*the tenants of the park disapprove the capital improvement.*".

Amend sec. 4, page 2, by deleting lines 25 and 26 and inserting:

"*3. Except as otherwise provided in subsection 5 and unless a proposed capital improvement is disapproved by the tenants of a mobile home park pursuant to*".

Amend the title of the bill, first line, by deleting: "agree to enter into" and inserting "make available".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 372, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Assembly Bill No. 372; Assembly Joint Resolution No. 40 be placed on the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblymen Price, Arberry and Williams:

Assembly Bill No. 727—An Act relating to tourism; increasing the mandatory tax by counties and cities on revenues from the rental of transient lodging; revising the composition of the county fair and recreation board in the largest counties; and providing other matters properly relating thereto.

Assemblyman Price moved that the bill be referred to the Committee on Taxation.

Motion carried.

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

Assembly in recess at 9:27 a.m.

ASSEMBLY IN SESSION

At 9:37 a.m.
Mr. Speaker presiding.
Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

MR. SPEAKER HETTRICK:

I just wanted to say that you can tell from the reactions and comraderie of this group that we have functioned very well. I truly believe that you should be very proud of yourselves. In my opinion, this hasn't been easy, but it has been done well. I think you owe yourselves a great big hand.

ASSEMBLYMAN DINI:

I'm extremely proud to have worked with every one of you. We've jelled as a pretty darn solid unit. Things that were said we couldn't do, we did. We passed some substantial legislation much easier than we have in other sessions. It is because of the quality and character of the people we have serving here. Congratulations to each and every one of you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I think we have left off something very important. In reality, we couldn't have accomplished any of this without the cooperation and hard work of our two Speakers. They are the ones who really deserve the hand.

MR. SPEAKER HETTRICK:

Thank you. We both thank you, and if Mr. Dini would like to make further remarks, he is surely welcomed to do so. I would tell you it has really been a pleasure to work with Joe. He is great, and clearly, a hard act to follow. I've appreciated the opportunity. He has been very helpful, and we appreciate all of your support as well. I think it is also appropriate to recognize the leadership on both sides of the aisle who have worked diligently and who are a great group. I would ask Mr. Ernaut, Mrs. Stroth, Mr. Allard and Speaker pro Tempore Tiffany to stand up. These people have made a job that would have been impossible, possible. I would like to thank them for their efforts.

On the other side, I would ask Mr. Perkins, Mrs. Kenzer, and Speaker pro Tempore Evans to stand, and I would like to recognize Mr. Price and Mr. Williams who are not here. They are tremendous to work with. I think a great deal of what worked here was due to our two Floor Leaders, Pete Ernaut and Rich Perkins. We really appreciate their efforts.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. This has really been a unique session. Being one of the Floor Leaders for a 21-21 split has really been a learning experience for me. I could not have done the job that some people say, without my colleague, Mr. Perkins.

It started off in fear because he is the only person in this hall that can kick my butt. Rich Perkins has been as fair, level-headed and even-minded a person than anyone I've ever worked with in any profession, let alone politics. I really owe any success in this body to the way this has worked as a split, the way we have refrained from nuclear warfare on the floor, and the way we have dealt with contingencies judicially, pragmatically and professionally to my colleague from Henderson. I just want to give him a round of applause because he has made my life here a whole lot easier.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. Perceptions are reality and he is probably concerned because he hasn't seen me fight. It has been a pleasure working with Pete. There was the same trepidation on my part in this role.

The newspapers, early on, were partially right, the potential for nuclear war, unabated hatred and anger. It was his efforts as well, Mr. Speaker, I couldn't have asked for someone easier to get along with, believe it or not, with the reputation that he sometimes carries. We have worked hard. We've communicated more with each other than with our own caucuses, at times, as a necessity. He has helped me in many cases, and we have worked hard together.

We had but one goal and that was for the two of us, in conjunction with this house, to do the work for the people of the State of Nevada and do it for them, not for us. This has been our goal all along. I would have to provide the same accolades for him as he has provided for me. I truly could not have done that by myself. He deserves the lion's share of the credit having worked probably 50 percent harder than I have this session. I think we owe him a round of applause as well.

SECOND READING AND AMENDMENT

Assembly Bill No. 372.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 670.

Amend section 1, page 1, line 15, after "taken." by inserting: "*A person shall be deemed to have moved his residence for the purposes of this section if:*

(a) He has acted affirmatively to remove himself from one geographic location; and

(b) He has an intent to remain in another place.".

Amend section 1, page 1, by deleting line 19 and inserting: "*where the person is legally domiciled and maintains his true, permanent and principal habitation. If the person maintains*".

Amend section 1, page 2, line 1, after "*purpose*" by inserting: "*when filing a declaration pursuant to NRS 293.177*".

Amend sec. 6, page 4, line 12, by deleting "30" and inserting "[30] *90*".

Amend sec. 6, page 4, line 15, after "of]" by inserting: "*, in accordance with NRS 281.050,*".

Amend sec. 7, page 5, line 2, by deleting "30" and inserting "[30] *90*".

Amend sec. 7, page 5, by deleting lines 4 and 5 and inserting: "registered as a member of the ..... Party; that I have not, in violation of the provisions of NRS 293.176, changed the designation of my political party or political party affiliation on an official affidavit of registra-".

Amend sec. 7, page 5, line 41, by deleting "30" and inserting "[30] *90*".

Amend sec. 7, page 6, line 27, by deleting "resides," and inserting: "resides [,] *in accordance with NRS 281.050,*".

Amend sec. 8, page 6, by deleting lines 38 through 41 and inserting: "*constructively,* resided [or intend to reside] at the following residence or residences [during the 12 months immediately preceding the date of the general election for the office for which I have filed.] *since November 1 of the preceding year:*".

Amend sec. 8, page 7, line 15, by deleting "or resides," and inserting: "or resides [,] *in accordance with NRS 281.050,*".

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

Assembly Joint Resolution No. 40.
Resolution read second time, ordered engrossed and to third reading.

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

Assembly in recess at 10 a.m.

ASSEMBLY IN SESSION

At 10:09 a.m.
Mr. Speaker presiding.
Quorum present.

REMARKS FROM THE FLOOR

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

MR. SPEAKER HETTRICK:

I think there is one other thing we have to address. We have a copy of the Senate Daily Journal. I think we should some way address this issue.

It says, "The Senate team was an outstanding example of skill and precision. I will not point out individual efforts." This is Senator McGinness speaking on the floor. "What concerns us now is the Assembly's despicable conduct in stealing and concealing the trophy that is rightfully ours."

Our esteemed Chief Clerk lifted this trophy, which was rightfully ours anyway. She checked with the pastor that was here the day before, and he verified if it was rightfully ours, it was not incorrect to return it to the proper ownership, which she did beautifully. I must read on.

"The trophy has been rightfully ours. It has been ours forever. In this case, I will name names. If I came out with the names of Ernaut, Perkins, Hettrick or Dini, you would probably accept that because that is something those guys would do. The name of Mouryne Landing would be the last one you would come up with. But, Mouryne Landing, a woman who has always been held in high esteem, was witnessed removing the trophy from these chambers. I will have to ask—no, demand—that Mrs. Landing be made to answer for this indiscretion."

They go on to inappropriately maintain they won the game. I just think we owe Mrs. Landing a huge round of applause for returning the trophy to us.

CHIEF CLERK, MOURYNE LANDING:

Do I get legal representation? Is anyone going to help me clear my good name?

ASSEMBLYMAN ERNAUT:

Mr. Speaker. I want to dispel any notion that the Assembly was not victorious. I lodged a formal complaint with the league office. There was not one Senator on the Senate team. I'm not sure if they were waiting for a "Geritol shot" or all the male members played like girls.

If I can make amends, I know that the best player on their team was a woman and appropriately is the intern for the Senate Majority Leader. I think she had the most hits. She definitely had the best arm and tags really hard in the wrong places. But, I think the MVP award, no doubt in this game, goes to my colleague, Mr. Goldwater.

In his duties as third baseman, he happened upon the chance to grab Senator Lowden, pick her up and deposit her in a very large mud hole. He was subsequently injured. Just

for everyone's edification, I think the headline on the sports page in yesterday's *Nevada Appeal* read, "Goldwater makes it to third base with Senator Lowden; pulls groin going for home."

In batting four or five times in the last inning, I can tell you that we did win. There is no doubt. If any contradiction to that came from the scorekeeper, who is the secretary of Senator Washington and was the main person in the Senate for the softball team, I think it is very appropriate, especially in light of last year's score of 35-2, that we do retain the trophy. I'm very happy that we have one "damn sneaky" Chief Clerk.

MR. SPEAKER HETTRICK:

I also want to point out, not only is she sneaky, she is efficient. As soon as she got the trophy, she went out and got the plates engraved, as the Senate left them blank the last couple sessions. But, they are engraved now.

We have one other question to raise now. In light of the dispute, we need a vote from this house on how do we engrave the last plate? There is a claim from their side that they won. Obviously, we know that we won. The question is, "How do we want to engrave the plate?" A suggestion has been presented that perhaps, since there was a dispute, it should read "17-17 tie." By the way, that has been their method of putting up the score, when indeed, we won.

ASSEMBLYMAN CLOSE:

Mr. Speaker, if I could, I would like to relay to this body a conversation that I had last night with a Senator, I'll name the name, Senator Coffin, who accurately described the fact, "They had the umpire in their pocket." I think on that basis, they are disqualified, Mr. Speaker, because they facilitated . . .

(Senate enters . . . Recess . . .)

SENATOR JACOBSEN:

I just wanted to indicate that when the Senate is over here, we are in charge.

ASSEMBLYMAN ERNAUT:

Mr. Speaker. Very appropriately, they try to steal what they can't win on the field.

MR. SPEAKER HETTRICK:

We better be careful with our comments about stealing. This is certainly the most enjoyable "joint" committee meeting that we have ever had with the Senate.

SENATOR MCGINNESS:

Mr. Speaker. The thing that concerns me the most about this is not Mr. Ernaut, Mr. Perkins or the Secretary of State Heller's despicable play, it's my high esteem of Mrs. Landing. When I heard that she was the one that stole it, it was beyond recognition.

MR. SPEAKER HETTRICK:

We want to point out to you that we realize that was a concern after reading the journal remarks from your house. As you know in politics, perception is reality and you had the wrong perception.

SENATOR MCGINNESS:

Mr. Speaker. I might say in view of your efforts today, we have decided that this is the "runner up" trophy and we will buy a bigger one.

MR. SPEAKER HETTRICK:

We thank you, Senators, for coming down and joining us for what has been a pleasurable event.

ASSEMBLYMAN ERNAUT:

Mr. Speaker. Please remind the Senators, it's not the size of the trophy.

ASSEMBLYMAN BENNETT:

Thank you, Mr. Speaker. In light of Thursday night's mud slinging and the frivolity of our game, I think the discussion was on what we should have engraved on the trophy. I would like to suggest for this matter, "The rules were suspended."

ASSEMBLYMAN ERNAUT:

Mr. Speaker. I move that further engraving of the trophy be dispensed with and the Speakers and Chief Clerk be authorized to make any corrections or additions.

MR. SPEAKER HETTRICK:

I have a suggestion. I think it should be engraved to say, "Mouryne Won."

ASSEMBLYMAN ERNAUT:

Mr. Speaker. How about Mouryne One—Senate Zero?

MR. SPEAKER HETTRICK:

I've just been informed that the counsel bureau has been listening and they've called in a suggestion to put "21-21 tie" on the plate.

ASSEMBLYMAN DINI:

Mr. Speaker, I have to make a statement because I really resent the things in their record concerning the Chief Clerk. I can't believe this innocent looking, young lady would do anything to hijack something as important as that trophy. If she was going to steal something good, she'd go for the gusto. Actually, it was ours, and she did the right thing. The record should reflect that she did the honorable thing by bringing it down here, getting it engraved, recruiting help to get the plates back on and hiding it in my bathroom.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. In an effort to clear the good name of our Chief Clerk, I would like to make some clarifications. It was a gray, cloudy, wet day, but there was only one member that scored, and he was a member of the Assembly.

ASSEMBLYMAN PERKINS:

Mr. Speaker. The last thing I remember hearing from this member as he hobbled off the field was, "Dreams do come true in Nevada."

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 669, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 17, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 271, which was returned from enrollment for the purpose of effecting a technical amendment.

Also, I have the honor to inform your honorable body that the Senate on this day refused to recede from its action on Assembly Bill No. 160 and requests a conference, and appointed Senators Jacobsen, McGinness and Adler as a first Committee on Conference concerning to meet with a like committee of the Assembly.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that the vote whereby Senate Bill No. 271 was passed be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 271.

Bill read third time.

Remarks by Assemblyman Ernaut.

Roll call on Senate Bill No. 271:

YEAS—39.

NAYS—None.

Absent—de Braga, Williams—2.

Not voting—Krenzer.

Senate Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed.

Assemblyman Ernaut moved that all rules be suspended and that Senate Bill No. 271 be immediately transmitted to the Senate.

Motion carried unanimously.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Assembly Bill No. 669 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 669.

Bill read second time.

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

Amendment No. 886.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 and 3 as sections 1 and 2.

Amend sec. 2, page 1, line 10, by deleting "*400,000*" and inserting "*100,000*".

Amend the title of the bill to read as follows:

"An Act relating to counties; providing that specified statutory provisions relating to county roads, highways and bridges do not apply to certain counties; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, by deleting "(BDR 20-2038)" and inserting "(BDR 35-2038)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 91; Assembly Concurrent Resolution No. 12; Senate Concurrent Resolution No. 55.

Assemblyman Stroth moved that the Assembly adjourn until Monday, June 19, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 10:17 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-FIFTH DAY

CARSON CITY (Monday), June 19, 1995

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

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Sam Caldwell.

Almighty God, we are well aware that the hour is early and the time is late. All of us wish we could be home as we begin summer this week. All of us have put in long hours and have been on the receiving end of unwarranted criticism. So, from time to time dear Lord, we need to be reminded that even the greatest statesmen and stateswomen in the history of our state and nation have had to cope with many of the same problems that face us today, sometimes failing more often than succeeding. We pray that You continue to help us face frustrations with confidence, not capitulation; and with determination, not depression. We pray that You will be with us and continue to strengthen us now and always. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Assembly Bill No. 522, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

JAN MONAGHAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was re-referred Assembly Bill No. 610, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM Z. HARRINGTON, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Assembly Bills Nos. 549, 673; Senate Bill No. 103, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 378, 385, 600, 633; Senate Bills Nos. 329, 335; Assembly Joint Resolution No. 34, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Education, to which was referred Assembly Bill No. 663, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM Z. HARRINGTON, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 607, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 640, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Assembly Bills Nos. 526, 619, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JACK D. CLOSE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was re-referred Assembly Bill No. 413, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 103, 589, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 219, 678, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 399, 582, 690, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 17, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 256, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 553.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 395, 492.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Porter, O'Donnell and Shaffer as a first Committee on Conference concerning Senate Bill No. 303.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 19, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 58.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 58.

Assemblyman Ernaut moved the adoption of the resolution.

Remarks by Assemblyman Ernaut.

Assemblyman Ernaut requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. My family has known Ray and Grace Capurro for many, many years. Ray was a very simple man and would have wanted only a few things said. As indicated by Grace this morning, I'm going to keep it to what is important.

Ray Capurro was a great husband and father. He was a man who served his country, community and family very well. When all is said and done, that's all that really matters.

This state will miss Ray Capurro. Reno will miss Ray Capurro, and I know I will miss Ray Capurro. Thank you, very much.

Resolution adopted unanimously.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:38 a.m.

ASSEMBLY IN SESSION

At 11:39 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Resolution No. 12—Providing for the appointment of an additional attaché.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That Robert H. Evans is elected as an additional attaché of the Assembly for the 68th session of the Legislature of the State of Nevada.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 395.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 492.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 553.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 372, 528, 669 be placed on the General File.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 105, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

DENNIS NOLAN	SUE LOWDEN
VONNE CHOWNING	BERNICE MATHEWS
JEANNINE STROTH	MAURICE E. WASHINGTON
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Nolan moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 105.

Remarks by Assemblyman Nolan.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 40.

Resolution read third time.

Remarks by Assemblymen Carpenter and Bennett.

Roll call on Assembly Joint Resolution No. 40:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 40 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 372.

Bill read third time.

Remarks by Assemblymen Giunchigliani, de Braga and Buckley.

Roll call on Assembly Bill No. 372:

YEAS—38.

NAYS—Buckley, Carpenter, de Braga, Evans—4.

Assembly Bill No. 372 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 528.

Bill read third time.

Remarks by Assemblymen Close, Buckley and Carpenter.

Potential conflict of interest declared by Assemblyman Carpenter.

Roll call on Assembly Bill No. 528:

YEAS—28.

NAYS—Braunlin, Brower, Carpenter, Ernaut, Harrington, Marvel, Neighbors, Sandoval, Steel, Stroth, Tiffany, Tripple, Mr. Speaker Dini, Mr. Speaker Hettrick—14.

Assembly Bill No. 528 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 669.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 669:

YEAS—37.

NAYS—Buckley, Carpenter, Schneider, Spitler, Steel—5.

Assembly Bill No. 669 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended and that Assembly Bills Nos. 372, 528, 669; Assembly Joint Resolution No. 40 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Bache moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:01 p.m.

ASSEMBLY IN SESSION

At 12:41 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 232, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 19, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 324, 446, 536.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 728—An Act relating to local financial administration; authorizing the withholding of certain payments to a local government that fails to file certain reports; revising the provisions governing a severe financial emergency; authorizing the department of taxation to provide technical financial assistance to a local government under certain circumstances; repealing the provisions concerning actions to correct conditions of financial difficulty in a local government; and providing other matters properly relating thereto.

Assemblyman Lambert moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 103, 219, 232, 378, 385, 399, 522, 526, 549, 589, 600, 607, 619, 633, 640, 663, 673, 678, 690; Assembly Joint Resolution No. 34; Senate Bills Nos. 103, 226, 329, 335 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 413, 610 be placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 324.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 446.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 536.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 830.

Amend the bill as a whole by deleting sections 1 through 6 and renumbering sec. 7 as section 1.

Amend sec. 7, page 4, by deleting line 26 and inserting: "well-being of the [customers of taxicabs.] *general public.*".

Amend sec. 7, page 4, line 44, by deleting "[12] *8*" and inserting "12".

Amend the bill as a whole by adding a new section designated sec. 2, following sec. 7, to read as follows:

"Sec. 2. NRS 706.88245 is hereby amended to read as follows:

706.88245 1. In determining whether circumstances require a temporary increase in the number of taxicabs allocated pursuant to NRS 706.8824, the taxicab authority shall consider the interests, welfare, convenience, necessity and well-being of the [customers of taxicabs.] *general public.*

2. Whenever circumstances require a temporary increase in the number of taxicabs allocated pursuant to NRS 706.8824, the taxicab authority shall allocate the temporary increase equally among the certificate holders in the area to be affected by the allocation.

3. The taxicab authority shall determine:

(a) The number of additional taxicabs to be allocated;

(b) The hours of operation of the additional taxicabs; and

(c) The duration of the temporary allocation.

4. The taxicab authority may adopt regulations governing temporary increases in the allocation of taxicabs pursuant to this section.".

Amend the bill as a whole by deleting sections 8 and 9 and renumbering sections 10 and 11 as sections 3 and 4.

Amend the bill as a whole by deleting sec. 12 and renumbering sec. 13 as sec. 5.

Amend the bill as a whole by deleting sections 14 and 15 and renumbering sec. 16 as sec. 6.

Amend sec. 16, page 8, line 20, by deleting the brackets.

Amend sec. 16, page 8, line 21, by deleting "[(a)] *1.*" and inserting "(a)".

Amend sec. 16, page 8, line 22, by deleting "*immediately*".

Amend sec. 16, page 8, line 23, by deleting "[(b)] *2.*" and inserting "(b)".

Amend sec. 16, page 8, by deleting line 25 and inserting: "(c) Not make".

Amend sec. 16, page 8, line 28, by deleting "[(d)] *4.*" and inserting "(d)".

Amend sec. 16, page 8, line 32, by deleting "[(e)] *5.*" and inserting "(e)".

Amend sec. 16, page 8, line 34, by deleting "[(f)] *6.*" and inserting "(f)".

Amend sec. 16, page 8, line 40, by deleting: "*may* reset the taximeter [." and inserting: "*shall* reset the taximeter [.]".

Amend sec. 16, page 8, line 41, by deleting "(g)]".

Amend sec. 16, page 8, line 43, by deleting "*7.*" and inserting "(g)".

Amend sec. 16, page 8, line 46, by deleting "[(h)] *8.*" and inserting "(h)".

Amend sec. 16, page 9, line 3, by deleting "[(i)] *9.*" and inserting "(i)".

Amend sec. 16, page 9, line 6, by deleting "[(j)] *10.*" and inserting "(j)".

Amend sec. 16, page 9, line 8, by deleting the open bracket.

Amend sec. 16, page 9, line 21, by deleting the closed bracket.

Amend the bill as a whole by deleting sec. 17 and renumbering sec. 18 as sec. 7.

Amend the bill as a whole by deleting sec. 19 and the text of the repealed section.

Amend the title of the bill, second line, by deleting: "providing a penalty;".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 219.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 938.

Amend section 1, page 1, line 2, by deleting "$881,999" and inserting "$560,218".

Amend section 1, page 1, by deleting lines 3 and 4 and inserting: "ment of the computer system and for office and other equipment, painting, compact shelving and a truck.".

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. There is hereby appropriated from the state general fund to the department of museums, library and arts the sum of $171,968 for the remodeling of the basement in the state library.

Sec. 3. The state public works board shall transfer the sum of $144,032 from the amount allocated pursuant to section 5 of chapter 613, Statutes of

Nevada 1989, at page 1372, for project 89-39, State Library, Carson City, to the department of museums, library and arts for the remodeling of the basement in the state library.

Sec. 4. The state public works board shall transfer the sum of $45,000 from the amount allocated pursuant to section 5 of chapter 613, Statutes of Nevada 1989, at page 1372, for project 89-39, State Library, Carson City, to project 91-L5, parking for capital complex as authorized in section 9 of chapter 497, Statutes of Nevada 1991, at page 1528.".

Amend sec. 2, page 1, line 5, by deleting "section 1" and inserting: "sections 1 and 2".

Amend the bill as a whole by renumbering sec. 3 as sec. 7 and adding a new section designated sec. 6, following sec. 2, to read as follows:

"Sec. 6. Any remaining balance of the allocated amounts authorized by sections 3 and 4 of this act must not be committed for expenditure after June 30, 1997, and reverts to the bond interest and redemption account in the consolidated bond interest and redemption fund as soon as all payments of money committed have been made.".

Amend the title of the bill to read as follows:

"An Act making appropriations to the department of museums, library and arts for enhancement of the computer system, improvement of various functions of the state library and for the remodeling of the basement of the state library; transferring certain amounts between projects; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriations to department of museums, library and arts for enhancement of computer system, improvement of various functions of state library and remodeling of basement in state library and transfers certain amounts between projects. (BDR S-1498)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 232.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 960.

Amend section 1, page 1, by deleting line 3 and inserting: "resources the sum of $2,375,947 to be expended as follows:

1. To remove and replace underground fuel storage tanks, $170,980;

2. For fire-resistant clothing and safety equipment for fire fighters, $126,500;

3. For repairs to the agency's aircraft and radios for aircraft or aircraft operations, $203,314;

4. For radios, communications equipment and improvements to communications systems, $195,223;

5. For training pilots employed by the division of wildlife of the state department of conservation and natural resources in fire-suppression techniques, $12,000;

6. To replace certain vehicles of the division of forestry of the state department of conservation and natural resources and to equip those vehicles with radios, $1,634,403; and

7. For computer software and hardware, $33,527.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 378.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 867.

Amend section 1, page 1, line 13, by deleting: "[in the last 4 hours]" and inserting: "in the last [4] *24* hours".

Amend section 1, page 1, lines 15 and 16, by deleting: ", *a person with whom you had or are having a dating relationship*".

Amend section 1, page 2, lines 39 and 40, by deleting: ", *with whom he had or is having a dating relationship*".

Amend section 1, page 3, line 1, after "conduct" by inserting "*intended*".

Amend section 1, page 3, by deleting line 2 and inserting: "other. *Such conduct may include, but is not limited to:*

(1) Stalking.

(2) Arson.

(3) Trespassing.

(4) Larceny.

(5) Destruction of private property.

(6) Carrying a concealed weapon without a permit.".

Amend sec. 2, page 3, line 16, by deleting: "[, within the preceding 4 hours,]" and inserting: ", within the preceding [4] *24* hours,".

Amend sec. 2, page 3, lines 18 and 19, by deleting: ", *with whom he had or is having a dating relationship*".

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

Amend sec. 4, page 4, line 34, after "conduct" by inserting "*intended*".

Amend sec. 4, page 4, by deleting line 35 and inserting: "other. *Such conduct may include, but is not limited to:*

(a) Stalking.

(b) Arson.

(c) Trespassing.

(d) Larceny.

(e) Destruction of private property.

(f) Carrying a concealed weapon without a permit.".

Amend sec. 5, page 4, line 44, after "violence." by inserting: "*A temporary or extended order for protection against domestic violence must not be granted to the applicant or the adverse party unless he has requested the order and has filed a verified application that an act of domestic violence has occurred or there exists a threat of domestic violence.*".

Amend sec. 5, page 5, line 22, by deleting "*The*" and inserting: "*In a county whose population is 400,000 or more, the*".

Amend sec. 5, page 5, between lines 25 and 26, by inserting:

"*7. In a county whose population is less than 400,000, the court may be available 24 hours a day, 7 days a week, including nonjudicial days and holidays, to receive communications by telephone and for the issuance of a temporary order for protection against domestic violence pursuant to subsection 5.*".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 5, to read as follows:

"Sec. 5. Chapter 52 of NRS is hereby amended by adding thereto a new section to read as follows:

The content of recordings of telephone calls made through a system established to provide a telephone number to be used in an emergency, if otherwise admissible, may be proved by a copy or transcript of the recording which is authenticated by a custodian of the records of the system in a signed affidavit. The custodian must verify in the affidavit that the copy or transcript is a true and complete reproduction of the original recording and that the original recording was made at the time of the telephone call and in the course of a regularly conducted activity.".

Amend sec. 6, page 5, line 35, by deleting "or".

Amend sec. 6, page 5, line 37, by deleting "facility." and inserting: "facility; or

(5) A justice of the supreme court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including any person acting pro tempore in a capacity listed in this subparagraph.".

Amend sec. 7, page 6, line 38, by deleting "[the" and inserting: "[the] *: (a) The*".

Amend sec. 7, page 6, between lines 40 and 41, by inserting:

"*(b) Any of the following acts committed by a person against a family or household member, a person with whom he had or is having a dating relationship or with whom he has a child in common, or upon his minor child or a minor child of that person:*

(1) A battery.

(2) An assault.

(3) Compelling the other by force or threat of force to perform an act from which he has the right to refrain or to refrain from an act which he has the right to perform.

(4) A sexual assault.

(5) A knowing, purposeful or reckless course of conduct intended to harass the other. Such conduct may include, but is not limited to:

(I) Stalking.

(II) Arson.

(III) Trespassing.

(IV) Larceny.

(V) Destruction of private property.

(VI) Carrying a concealed weapon without a permit.

(6) False imprisonment.

(7) Unlawful entry of the other's residence, or forcible entry against the other's will if there is a reasonably foreseeable risk of harm to the other from the entry.".

Amend sec. 7, pages 6 and 7, by deleting lines 44 through 48 on page 6 and lines 1 through 12 on page 7.

Amend sec. 7, page 7, line 13, by deleting "*3.*" and inserting "4.".

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

"Sec. 8. Section 6 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the bill by deleting the third and fourth lines and inserting: "of domestic violence; requiring certain courts to be available 24 hours a day for the issuance of temporary protective orders; providing for the authentication of the content of recordings of emergency telephone calls for evidentiary purposes; and providing other matters properly relating".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 385.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 864.

Amend the bill as a whole by deleting sections 2 through 4 and renumbering sections 5 through 9 as sections 2 through 6.

Amend sec. 5, page 3, line 19, by deleting "*6*" and inserting "*3*".

Amend sec. 7, page 4, by deleting lines 5 and 6 and inserting:

"213.107 As used in NRS 213.107 to 213.160, inclusive, section 5 of Senate Bill No. 61 of this session , [and] sections 7 to 10, inclusive, of [this act,] *Senate Bill No. 192 of this session and section 3 of this act,* unless the context otherwise requires:".

Amend sec. 7, page 4, line 14, after "5." by inserting: " "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 3 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnaping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to section 3 of [this act.] *Senate Bill No. 192 of this session.*

7.".

Amend sec. 7, page 4, lines 15 and 16, by deleting: "parole and probation officer." and inserting a period.

Amend sec. 8, page 4, line 29, by deleting "*6*" and inserting "*3*".

Amend sec. 9, page 4, line 44, by deleting "*6*" and inserting "*3*".

Amend the bill as a whole by deleting sec. 10 and renumbering sec. 11 as sec. 7.

Amend sec. 11, page 6, line 1, by deleting: "to 5, inclusive," and inserting "and 2".

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

"Sec. 8. Section 4 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to activities of a criminal nature; providing an additional penalty for felonies committed on school property; making various changes relating to criminal gangs to provisions governing education, forfeiture and parole; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 399.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 816.

Amend the bill as a whole by deleting sections 1 through 5, renumbering sections 6 through 9 as sections 4 through 7 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. Chapter 624 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *If a member of the board becomes aware that any one or a combination of the grounds for initiating disciplinary action may exist as to a contractor in this state, the member of the board may inform the executive director of the board of the allegations. The executive director, upon receiving such information shall take such actions as he deems appropriate under the circumstances.*

Sec. 3. *1. If any person violates the provisions of subsection 1 of NRS 624.230, the board may impose an administrative fine of not less than $1,000 nor more than $10,000 for each violation.*

2. An administrative fine imposed pursuant to this section is in addition to any other penalty imposed pursuant to this chapter.

3. If the administrative fine is not paid when due, the fine must be recovered in a civil action brought by the attorney general on behalf of the board.".

Amend sec. 6, page 2, by deleting lines 30 through 34 and inserting:

"2. *The board may require investigators who are employed by the board to locate persons who:*".

Amend sec. 7, page 2, by deleting line 48 and inserting: "pursuant to subsection 1, the board may request *the attorney general,* the district attorney of the".

Amend sec. 7, page 3, line 1, by deleting "occurred," and inserting "occurred [,]".

Amend sec. 7, page 3, line 2, by deleting "resides," and inserting "resides [,]".

Amend sec. 7, page 3, line 3, by deleting: "board] *shall apply*" and inserting "board".

Amend sec. 8, page 3, by deleting lines 29 through 32 and inserting:

"2. *The district attorneys in this state shall prosecute all violations of this section which occur in their respective counties, unless the violations are prosecuted by the attorney general. Upon the request of the board, the attorney general shall prosecute any violation of this section in lieu of prosecution by the district attorney.*

3. In addition to any other penalty imposed pursuant to this chapter, a person who is convicted of violating subsection 1 may be required to pay:".

Amend sec. 9, page 3, by deleting lines 42 through 44 and inserting:

"624.245 [Any] *The board may prohibit a* person who has been convicted of violating NRS 624.230 or 624.290 [may be disqualified] from taking a written or oral examination for a contractor's license for a period of *not more than* 6 months from the date of his".

Amend the bill as a whole by deleting sections 10 through 13 and adding a new section designated sec. 8, following sec. 9, to read as follows:

"Sec. 8. NRS 624.310 is hereby amended to read as follows:

624.310 1. In any case when the board refuses to issue or renew a license, [or] suspends or revokes a license [,] *or imposes an administrative fine pursuant to section 3 of this act,* the applicant or accused is entitled to a hearing before the board.

2. The testimony taken pursuant to NRS 624.170 to 624.210, inclusive, [shall] *must* be considered a part of the record of the hearing before the board.

3. The hearing [shall] *must* be public if a request is made therefor.".

Amend the title of the bill to read as follows:

"An Act relating to the state contractors' board; authorizing the board to impose an administrative fine against certain persons; authorizing the board to request the attorney general to prosecute certain crimes relating to the contracting business; and providing other matters properly relating thereto.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 522.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 811.

Amend section 1, page 1, line 2, by deleting: "2, 3 and 4" and inserting: "2 and 3".

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 5 as sections 2 through 4.

Amend sec. 3, page 1, line 13, by deleting "*academic progress*" and inserting: "*attendance required by the provisions of NRS 392.040*".

Amend sec. 3, pages 1 and 2, by deleting lines 17 through 21 on page 1 and lines 1 through 7 on page 2, and inserting:

"2. *At the time assistance is awarded and at all subsequent reviews, the recipient must provide proof of enrollment and school attendance.*

3. If a dependent child for whom the recipient is receiving benefits fails to maintain enrollment or satisfactory attendance, the welfare division shall provide the recipient with written notice of failure to comply. Thereafter, the recipient shall submit to the division a signed statement each month, on a form approved by the division, attesting to compliance. At the next scheduled review of the recipient, the division shall provide the recipient a cash award of $1 for each such form correctly executed and received in a timely manner. If the division determines that the recipient is not in compliance with the provisions of this section, the division shall suspend the benefits of the recipient unless it determines that under the particular circumstances the suspension is not appropriate. In such a case, the division shall review the case at least once every 6 months to ensure compliance.

4. The welfare division shall seek all federal approvals and waivers required for the establishment of the program.

5. As used in this section, "satisfactory attendance" means that the number of absences of a dependent child does not exceed the maximum number of absences allowed by the institution he is attending.".

Amend sec. 4, page 2, line 12, by deleting: "*required for that child.*" and inserting: "*established by regulation pursuant to NRS 439.550.*".

Amend sec. 4, page 2, by deleting line 18 and inserting: "*shall submit to the division proof, in the manner required for child care facilities in NRS 432A.230 and 432A.260, that dependent children for whom the*".

Amend sec. 4, page 2, by deleting lines 25 and 26 and inserting: "*ule for review established by the division must be flexible.*".

Amend sec. 4, page 2, line 31, by deleting "*reasons,*" and inserting: "*belief or medical conditions,*".

Amend sec. 5, page 2, line 35, by deleting "1995." and inserting "1996.".

Amend the title of the bill, second and third lines, by deleting: "educational requirements and responsibilities for academic progress" and inserting: "responsibilities for academic attendance".

Amend the summary of the bill, second and third lines, by deleting: "educational requirements and responsibilities for academic progress" and inserting: "responsibilities for academic attendance".

Assemblyman Monaghan moved the adoption of the amendment.

Remarks by Assemblyman Monaghan.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 526.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 863.

Amend section 1, page 1, line 10, by deleting the italicized comma and inserting an italicized period.

Amend section 1, page 1, by deleting line 11.

Amend section 1, page 1, by deleting lines 13 through 16 and inserting: "*(a) Currently holds public office or is publicly employed at the commencement of proceedings against him.*

(b) Resigns or otherwise leaves his public office or employment:

(1) After the commencement of proceedings against him; or

(2) Within 1 year after the alleged violation or reasonable discovery of the alleged violation.".

Amend the bill as a whole by deleting sections 3 and 4 and renumbering sections 5 through 7 as sections 3 through 5.

Amend sec. 5, page 3, line 22, after "*each*" by inserting "*such*".

Amend sec. 5, page 3, by deleting lines 23 and 24 and inserting: "*evidence or record of a hearing* relating to [the opinion is] *such a request are* confidential unless:".

Amend sec. 5, page 4, line 22, by deleting "[or 2,]" and inserting "or 2,".

Amend sec. 7, page 5, by deleting lines 6 through 10 and inserting: "281.551 1. In addition to any other penalty provided by law, the commission may".

Amend sec. 7, page 5, line 13, by deleting "[2.] *3.*" and inserting "2.".

Amend sec. 7, page 5, by deleting lines 17 and 18 and inserting: "information in bad faith [.] *or who, by fraud or artifice, prevents the discovery of a violation of this*".

Amend sec. 7, page 5, line 20, by deleting "*4.*" and inserting "3.".

Amend sec. 7, page 5, by deleting lines 21 through 26 and inserting: "*impose a civil penalty not to exceed $5,000 on a person, other than the person about whom an opinion is requested, who:*

(a) Participates in any activity relating to the request for the opinion;

(b) Is directed by the commission to comply with the requirements relating to confidentiality set forth in subsection 4 of NRS 281.511; and

(c) Subsequently violates those requirements.".

Amend sec. 7, page 5, line 27, by deleting "*5.*" and inserting "*4.*".

Amend sec. 7, page 5, line 33, by deleting "*6.*" and inserting "*5.*".

Amend sec. 7, page 5, line 38, by deleting "*7.*" and inserting "*6.*".

Amend sec. 7, page 6, line 2, by deleting "*8.*" and inserting "*7.*".

Amend sec. 7, page 6, line 7, by deleting "*9.*" and inserting "*8.*".

Amend sec. 7, page 6, line 11, by deleting "*10.*" and inserting "*9.*".

Amend sec. 7, page 6, line 12, by deleting: "*2 to 5,*" and inserting: "*1 to 4,*".

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

"Sec. 6. The amendatory provisions of section 3 of this act, which address the confidentiality of requests for opinions, opinions rendered and related proceedings involving the past, present or future conduct of a public officer or employee, do not apply to any matter that:

1. Has not been disclosed; and

2. Has been closed by or is pending before the commission on October 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to ethics in government; revising the jurisdiction of the commission on ethics; making various changes relating to the confidentiality of the proceedings of the commission and local ethics committees; authorizing the commission to impose a civil penalty for a violation of confidentiality; and providing other matters properly relating thereto.".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 549.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1004.

Amend section 1, page 1, line 3, by deleting "*Every*" and inserting: "*Except as otherwise provided in subsection 4, every*".

Amend section 1, page 1, line 12, by deleting: "*rocks or minerals*" and inserting "*geologic materials*".

Amend section 1, page 1, line 14, by deleting the period and inserting: "*and based on an evaluation of all engineering data which is available concerning any proposed project.*".

Amend section 1, page 1, line 16, after "*who*" by inserting "*knowingly*".

Amend section 1, page 1, by deleting lines 17 through 23 and inserting:

"*(a) For the first violation, guilty of a misdemeanor.*

(b) For a second or subsequent violation, guilty of a gross misdemeanor.".

Amend section 1, page 2, by deleting lines 1 through 6 and inserting:

"*4. The provisions of this section do not apply to a person who is required to file an annual statement or list pursuant to the provisions of NRS 362.110.*

5. As used in this section, "business of assaying" means a business that determines the elemental composition of samples of geologic materials for a fee or other valuable consideration.".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 589.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1017.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. 1. The legislative commission shall appoint a committee to conduct an interim study concerning the financing of the repair and maintenance of streets, roads and highways in this state.

2. The committee must consist of:

(a) Four members of the Senate, with two members appointed from the standing committee on transportation and two members appointed from the standing committee on taxation; and

(b) Four members of the Assembly, with two members appointed from the standing committee on transportation and two members appointed from the standing committee on taxation.

3. The study may include, without limitation, a review of:

(a) The current allocation of responsibility with regard to the repair and maintenance of streets, roads and highways;

(b) The available sources of financing for such repair and maintenance;

(c) The opportunities for improving the use of available financing; and

(d) The opportunities for broadening the available sources of financing.

Sec. 2. 1. The study must be completed on or before September 1, 1996.

2. The legislative commission shall report the results of the study and any recommended legislation to the 69th session of the Nevada Legislature.

Sec. 3. 1. There is hereby appropriated from the state highway fund to the legislative fund the sum of $25,000, which may only be used to carry out the provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1997, and reverts to the state highway fund as soon as all payments of the money committed have been made.

Sec. 4. This act becomes effective upon passage and approval.".

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, The present tax and funding structure for highways in the State of Nevada has been eroded because of more fuel-efficient vehicles and the instability of available federal money; and

WHEREAS, The department of transportation and local governmental agencies have reported a shortfall in their ability to fund and maintain streets and highways in a manner which is consistent with the expectations of the public; and

WHEREAS, The need for repair and maintenance of these streets and highways has escalated because of the growth in population, the expansion of businesses and the increase in the use of our highways for interstate travel; and

WHEREAS, Traffic control and the accessibility of streets and highways consistently have been identified as being among the most important issues related to public service in rapidly growing areas of this state; and

WHEREAS, Maintenance of the streets and highways of this state is essential to the general economic well-being of the state; now, therefore,".

Amend the title of the bill to read as follows:

"An Act relating to transportation; directing the legislative commission to conduct an interim study concerning the financing of the repair and maintenance of streets, roads and highways in this state; providing an appropriation; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Directs legislative commission to conduct interim study concerning financing of repair and maintenance of streets, roads and highways in this state. (BDR S-956)".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Assemblyman Close moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:59 p.m.

ASSEMBLY IN SESSION

At 1 p.m.

Mr. Speaker presiding.

Quorum present.

Amendment adopted.

Assemblyman Chowning moved that Assembly Bill No. 589 be rereferred to the Committee on Elections and Procedures.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Elections and Procedures.

Assembly Bill No. 600.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:
Amendment No. 861.

Amend section 1, page 1, line 12, after "*uniforms*" by inserting: "*or other identifying attire*".

Amend section 1, page 1, between lines 16 and 17, by inserting:

"*4. For the purposes of this section, a person who volunteers to a local law enforcement agency to issue citations pursuant to subsection 1 shall be deemed an employee of a political subdivision of the state if he has successfully completed the training course for the issuance of such citations provided by the local law enforcement agency.*

5. Local law enforcement agencies are not liable for the negligent acts or omissions of a person who volunteers to issue citations pursuant to subsection 1 unless:

(a) The volunteer made a specific promise or representation to a natural person who relied upon the promise or representation to his detriment; or

(b) The conduct of the volunteer affirmatively caused the harm.

The provisions of this section are not intended to abrogate the principle of common law that the duty of governmental entities to provide services is a duty owed to the public, not to individual persons.".

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the bill as a whole by deleting sec. 4.

Amend the title of the bill to read as follows:

"An Act relating to traffic laws; authorizing the private enforcement of laws relating to parking for handicapped persons; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes private enforcement of laws relating to parking for handicapped persons. (BDR 43-1170)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 607.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:
Amendment No. 957.

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

"Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The acquisition, improvement or use of land by the public as a park is a municipal purpose, whether or not the park is owned or operated by a local government.

2. *The real property and improvements of a privately owned park which, pursuant to an agreement with a local government, are used by the public without charge, excluding areas from which income is derived, are exempt from taxation.*

Sec. 2. NRS 361.483 is hereby amended to read as follows:

361.483 1. Except as otherwise provided in subsection 4, taxes assessed upon the real property tax roll and upon mobile homes are due on the third Monday of August.

2. Taxes assessed upon the real property tax roll may be paid in four equal installments.

3. Taxes assessed upon a mobile home may be paid in four equal installments if the taxes assessed exceed $100.

4. If a person elects to pay in quarterly installments, the first installment is due on the third Monday of August, the second installment on the first Monday of October, the third installment on the first Monday of January, and the fourth installment on the first Monday of March.

5. If any person charged with taxes which are a lien on real property fails to pay:

(a) Any one quarter of the taxes on or within 10 days following the day the taxes become due, there must be added thereto a penalty of 4 percent.

(b) Any two quarters of the taxes, together with accumulated penalties, on or within 10 days following the day the later quarter of taxes becomes due, there must be added thereto a penalty of 5 percent of the two quarters due.

(c) Any three quarters of the taxes, together with accumulated penalties, on or within 10 days following the day the latest quarter of taxes becomes due, there must be added thereto a penalty of 6 percent of the three quarters due.

(d) The full amount of the taxes, together with accumulated penalties, on or within 10 days following the first Monday of March, there must be added thereto a penalty of 7 percent of the full amount of the taxes.

6. Any person charged with taxes which are a lien on a mobile home who fails to pay the taxes within 10 days after the quarterly payment is due is subject to the following provisions:

(a) The entire amount of the taxes [are] *is* due;

(b) A penalty of 10 percent of the taxes due;

(c) An additional penalty of $3 per month or any portion thereof, until the taxes are paid; and

(d) The county assessor may proceed under NRS 361.535.

7. The ex officio tax receiver of a county shall notify each person in the county who is subject to a penalty pursuant to this section of the provisions of NRS 360.410 and 360.419.".

Amend the bill as a whole by renumbering sections 4 and 5 as sections 3 and 4.

Amend the title of the bill to read as follows:

"An Act relating to property taxes; exempting from taxation privately owned parks which are open to the public without charge; requiring ex

officio tax receivers to notify certain persons of statutes authorizing the department of taxation to provide relief from penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Exempts certain privately owned parks from property taxes and requires notification of certain persons of statutes authorizing relief from penalties regarding property taxes. (BDR 32-1070)".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 619.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 826.

Amend sec. 3, page 1, by deleting lines 13 and 14 and inserting:

"*(c) The offices of the drivers' license division of the department of motor vehicles and public safety;*".

Amend sec. 5, page 2, by deleting lines 24 through 32 and inserting:

"Sec. 5. (Deleted by amendment.)".

Amend sec. 7, page 2, by deleting line 38 and inserting:

"Sec. 7. *If a county clerk enters into an agreement pursuant to section 6 of this act,*".

Amend sec. 7, page 2, line 39, by deleting: "*the county clerk*" and inserting "*he*".

Amend sec. 22, page 10, by deleting line 19 and inserting: "before [on the same day, or on any other ground provided for in this Title;] *at the same election;*".

Amend sec. 45, page 26, line 17, after "1." by inserting: "*If the registration of an elector is canceled pursuant to subsection 3 of NRS 293.540, the elector may reregister after he presents written evidence from a court or governmental agency of this state which demonstrates that:*

(a) His conviction has been overturned; or

(b) His civil rights have been restored.

2.".

Amend sec. 45, page 26, line 20, by deleting "2." and inserting "[2.] *3.*".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 633.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1107.

Amend the bill as a whole by deleting sections 1 through 4 and renumbering sections 5 and 6 as sections 1 and 2.

Amend the title of the bill to read as follows:

"An Act relating to offers of judgment; authorizing a court to vacate a judgment entered pursuant to an accepted offer of judgment if the defendant pays the amount of the offer within a reasonable time; revising the manner in which a court is required to determine whether a judgment is more favorable than a rejected offer which precludes a separate award of costs by the court; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 640.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 663.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1096.

Amend section 1, page 1, line 8, after "2." by inserting: "*Any advertising authorized pursuant to subsection 1:*

(a) Must conform with any applicable local ordinances regarding signs; and

(b) Must not:

(1) Promote hostility, disorder or violence;

(2) Attack ethnic, racial or religious groups;

(3) Invade the rights of others;

(4) Inhibit the functioning of the school;

(5) Override the school's identity;

(6) Promote the use of controlled substances, dangerous drugs, alcohol, tobacco or firearms;

(7) Promote any religious organization;

(8) Contain political advertising; or

(9) Promote entertainment deemed improper or inappropriate by the board of trustees.

3.".

Amend section 1, page 1, line 12, by deleting "*3.*" and inserting "*4.*".

Assemblyman Harrington moved the adoption of the amendment.

Remarks by Assemblyman Harrington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 673.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 914.

Amend section 1, page 1, line 2, by deleting "*4,*" and inserting "*6,*".

Amend section 1, page 1, by deleting lines 23 through 25.

Amend section 1, page 2, line 1, by deleting "*4.*" and inserting "3.".

Amend section 1, page 2, line 5, by deleting "[4.] *5.*" and inserting "4.".

Amend section 1, page 2, line 11, by deleting "[5.] *6.*" and inserting "5.".

Amend section 1, page 2, between lines 19 and 20, by inserting:

"*6. The division may establish regulations specifying the circumstances under which a permit may be issued authorizing the movement of livestock without a brand inspection pursuant to this section. Such circumstances may include, without limitation, routine movement of horses and bulls within and from this state for the purpose of participating in a rodeo.*".

Amend the title of the bill to read as follows:

"An Act relating to livestock; authorizing the division of agriculture of the department of business and industry to regulate the circumstances under which a permit may be granted authorizing the movement of livestock without a brand inspection; and providing other matters properly relating thereto.".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 678.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 791.

Amend sec. 3, page 3, by deleting lines 6 and 7 and inserting: "*extent of requirements for group life, accident or health insurance, the premiums for*".

Amend sec. 3, page 3, by deleting lines 16 through 20 and inserting: "*cure and:*

(a) Purchase employee group life, accident or health insurance.

(b) Enter into contracts:

(1) Relating to the administration of a plan of insurance, including contracts with licensed administrators and qualified actuaries.

(2) With physicians, surgeons, hospitals, health maintenance organizations and rehabilitative facilities for medical, surgical and rehabilitative care and the evaluation, treatment and nursing care of members and covered dependents.

(3) For the services of other experts and specialists as required by a plan of insurance.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 690.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1086.

Amend section 1, page 1, line 24, by deleting "*$400;*" and inserting "*$200;*".

Assemblyman Allard moved the adoption of the amendment.

Remarks by Assemblyman Allard.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 34.

Resolution read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 865.

Amend the resolution, page 1, by deleting lines 25 and 26 and inserting: "to pass legislation that would prohibit a court from limiting or reducing the number of prisoners housed in an institution unless a plaintiff proves that overcrowding is the primary cause of the deprivation of a constitutional right and that no other relief would remedy that deprivation, and would limit any relief ordered by the court to that which is necessary to remove the conditions depriving the plaintiff of the constitutional right; and be it further".

Amend the preamble to the resolution, page 1, line 12, by deleting "and" and inserting: "now, therefore, be it".

Amend the preamble to the resolution, page 1, by deleting lines 13 through 22.

Amend the title of the resolution, first and second lines, by deleting: "the Violent Criminal Incarceration Act of 1995." and inserting: "legislation that limits a court's ability to order custody requirements for prisoners that exceed constitutional requirements.".

Amend the summary of the resolution, first line, by deleting: "Violent Criminal Incarceration Act of 1995." and inserting: "legislation that limits court's ability to order custody requirements for prisoners that exceed constitutional requirements.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 103.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 885.

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

"Section 1. Chapter 539 of NRS is hereby amended by adding thereto a new section to read as follows:

1. An owner or an association of owners of water rights located in an irrigation district may petition the state engineer to prescribe or clarify rules and regulations relating to the distribution and use of water within the irrigation district. The state engineer may prescribe or clarify the rules and regulations addressed in the petition.

2. A person may seek judicial review of any action taken by the state engineer pursuant to subsection 1.".

Amend the title of the bill, first line, after "water;" by inserting: "authorizing the state engineer to prescribe or clarify rules and regulations addressed in a petition of owners of water rights located in an irrigation district;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes concerning irrigation districts. (BDR 48-996)".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 226.

Bill read second time and ordered to third reading.

Senate Bill No. 329.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1055.

Amend sec. 4, page 2, line 18, by deleting "*judge;*" and inserting: "*judge in a county whose population is less than 100,000;*".

Amend sec. 4, page 2, line 20, by deleting "*court;*" and inserting: "*court in a county whose population is less than 100,000;*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 335.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 802.

Amend section 1, page 1, line 5, by deleting: "*a habitual user of or*".

Amend section 1, page 1, line 11, after the period by inserting: "*This prohibition does not apply to the actual physical possession of a firearm by a person who was within his personal residence and had the firearm in his possession solely for self-defense.*".

Amend section 1, page 1, by deleting lines 14 and 15 and inserting: "*evidentiary test that is administered pursuant to NRS 484.383 to 484.3947, inclusive, except that submission to the evidentiary test is required of any*

person who is directed by a police officer to submit to the test. If a person to be tested fails to submit to a required test as directed by a police officer, the officer may direct that reasonable force be used to the extent necessary to obtain the samples of blood from the person to be tested, if the officer has reasonable cause to believe that the person to be tested was in violation of this section.".

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:17 p.m.

ASSEMBLY IN SESSION

At 1:18 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 582 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 582.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 888.

Amend section 1, page 1, by deleting lines 7 through 9 and inserting:

"2. *"Governmental agency" means a governmental entity that has as a statutory purpose, power or duty the promotion of travel or tourism in this state and that employs photographers full time or by contract to take pictures to promote travel and tourism, portray historical events or commemorate persons or physical sites that are significant in the history of the state.*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 413.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1016.

Amend the bill as a whole by adding a new section designated sec. 2.5, following sec. 2, to read as follows:

"Sec. 2.5. The provisions of this chapter do not apply to any geographical area which is subject to the provisions of an interstate compact.".

Amend sec. 5, page 2, line 9, after "2." by inserting: "Before a governing body may submit a proposal to the registered voters of the municipality for the construction of a toll road or toll bridge on a state highway, the governing body must obtain permission for such construction from the department of transportation.

3.".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Ernaut, Segerblom and Lambert.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 610.

Bill read third time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1113.

Amend section 1, page 1, line 8, by deleting "and".

Amend section 1, page 1, line 9, by deleting the comma and inserting: "; and

(f) The Nevada Vocational Association,

and any other person deemed appropriate by the department,".

Assemblyman Harrington moved the adoption of the amendment.

Remarks by Assemblyman Harrington.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to the Concurrent Committee on Ways and Means.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 131, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 6, which is attached to and hereby made a part of this report.

BERNARD J. ANDERSON, JR.	MARK A. JAMES
DAVID E. HUMKE	DINA TITUS
JAN F. MONAGHAN	MIKE MCGINNESS
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 6.

Amend sec. 9, page 3, by deleting lines 15 through 20 and inserting:

"(c) Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee is not reimbursed;

(e) Cash received as entry fees for contests or tournaments in which patrons compete for prizes [;] , *except for a contest or tournament conducted in conjunction with an inter-casino linked system;* or

(f) Uncollected baccarat commissions.".

Amend sec. 17, page 10, by deleting line 6 and inserting: "that are licensed for games other than slot machines.".

Assemblyman Anderson moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 131.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Carpenter, de Braga and Sandoval as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 160.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 361, 449, 472, 604; Assembly Concurrent Resolutions Nos. 45, 47; Senate Bills Nos. 363, 404, 415, 427, 432, 436, 447; Senate Joint Resolution No. 25.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Ernaut, the privilege of the floor of the Assembly Chamber for this day was extended to Grace Capurro and Marcy Andrus.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Rose Nicholas and Ann Hoover.

Assemblyman Perkins moved that the Assembly adjourn until Tuesday, June 20, 1995 at 10:30 a.m.

Motion carried.

Assembly adjourned at 1:30 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-SIXTH DAY

CARSON CITY (Tuesday), June 20, 1995

Assembly called to order at 11:06 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Ron Rhoads.

Almighty God, fill our hearts with the confidence that nothing is too difficult for us to handle together. Give our leaders the courage to act on their personal convictions. Give them compassion in communicating these convictions to one another. Guide, guard, direct and protect our leaders in the performance of their duties. Let all accomplished here today be in the best interests of our state.

In Your Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 440, 462, 592; Senate Bill No. 298, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Commerce, to which was referred Assembly Bill No. 616, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Assembly Bills Nos. 647, 667, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Commerce.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was re-referred Assembly Bill No. 545, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Commerce.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Economic Development and Tourism, to which was re-referred Assembly Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DIANNE STEEL, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Assembly Bills Nos. 517, 618, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 466, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 560, 575, 598, 646, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 223, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 135, 136, 524, 525, 527, 528, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 416, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 606, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 580, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 36, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 218, 245, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Joint Resolution No. 41, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN CARPENTER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 19, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 333, 482, 681.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 105.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 301.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bills Nos. 103, 219, 232, 378, 385, 399, 413, 526, 549, 582, 600, 607, 619, 633, 663, 673, 678, 690; Assembly Joint Resolution No. 34 be placed on the General File immediately following Assembly Bill No. 640.

Motion carried.

Assemblyman Ernaut moved that Senate Bills Nos. 103, 329, 335 be placed on the General File immediately following Senate Bill No. 226.

Motion carried.

By Assemblymen Fettic, Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams:

Assembly Joint Resolution No. 43—Commending the People to People Student Ambassador Program and sending greetings from the Nevada Legislature to the Honorable Sir Andrew Bowden, M.P.

Assemblyman Fettic moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Joint Resolution No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Senate Joint Resolution No. 17 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Lambert moved that Assembly Bill No. 413 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Humke moved that Assembly Bill No. 633 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Buckley moved that Assembly Bill No. 132 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 640.

Bill read third time.

Remarks by Assemblymen Bache, Price and Ernaut.

Roll call on Assembly Bill No. 640:

YEAS—42.

NAYS—None.

Assembly Bill No. 640 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.

Bill read third time.

Remarks by Assemblyman Goldwater.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:29 a.m.

ASSEMBLY IN SESSION

At 11:31 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Chowning moved that Assembly Bill No. 103 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 219.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Assembly Bill No. 219:

YEAS—42.

NAYS—None.

Assembly Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 232.

Bill read third time.

Remarks by Assemblyman Allard.

Roll call on Assembly Bill No. 232:

YEAS—42.

NAYS—None.

Assembly Bill No. 232 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 378.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Freeman.

Roll call on Assembly Bill No. 378:

YEAS—42.

NAYS—None.

Assembly Bill No. 378 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 385.

Bill read third time.

Remarks by Assemblymen Close, Goldwater, Giunchigliani, Humke, Anderson, Perkins, Williams and Ernaut.

Assemblyman Marvel requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker. Assembly Bill No. 385 makes various changes relating to criminal gangs in schools. This measure doubles the existing sentence for persons who commit felonies on the property of the school or at an activity sponsored by the school. The bill also provides for the forfeiture of personal property used as an instrument in the commission of a crime by a criminal gang. The existing statutory definition of criminal gang is added to Chapters 213, 388 and 392 of NRS.

The State Board of Education is required to seek the cooperation of the private sector in developing programs that reduce the number of pupils who participate in criminal activity with gangs. Each school district is required to adopt a policy that prohibits criminal gang activity, which would include wearing gang symbols on clothing. This policy must include provisions for the suspension or expulsion of those who violate this policy. Mr. Speaker, I have the support in letter form from the Clark County School District and also the Washoe County School District.

ASSEMBLYMAN GOLDWATER:

Thank you, Mr. Speaker. I voted against this bill in committee. I find the acts of criminal gangs deplorable. I think that every act should be punished severely and appropriately by the court, but this is more than punishing the act. This is punishing the

association of somebody. And that is fine, except innocent people are often caught up in that net, mostly because of the color of their skin, where they live or how much money they make. This bill allows that policy to bleed into the school district and also enhances it in our statutes.

I personally witnessed what happens when good people get caught up in this net. When we are trying so hard to get people out, to raise the water level for everybody, things like this keep the downtrodden, down further, which I cannot support.

I cannot support this policy, but I do, however, commend the assemblyman from the south in his effort to get rid of the acts. But, I ask the members of this body to punish the act and not the association. Thank you.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. To you and through you to the sponsor of the bill. Regarding sec. 6, 1.(a). Is there to be an expansion on the rationale regarding a pupil wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang? My question is relative to being a school teacher, especially with the junior high age group.

I've had my own students segregated out and told by the school administrators that they, for example, were not permitted to wear a bandana of a specified color in their hair. It would seem to be only my Hispanic students that had this occur to them. So my question is, would this empower administrators to be able to potentially discriminate against these individuals just because of their race, and basically because someone thinks a bandana may tie them into a gang?

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker. To you and through you to my colleague from Assembly District No. 9. Section 6, basically has those criteria involved with it, but if you turn over to the second page, it also includes that it has to have the wearing of an identifying sign along with complying with items b and c listed in that category. So, just wearing the bandana would not do it unless they participate in the other two items.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. Where do we define the identifying signs? In the past, the school board policy has been just simply a bandana would be indicative of a gang.

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker. To you and through you to my colleague from Assembly District No. 9. Again, this is not defined in this bill, but we felt it was a combination of the three items that had to be in place for the action of this bill to take place. I would think that this would be left up to the school district to make that definition.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. With that, I will then oppose this legislation. I appreciate the work that was done on this bill, but I have had my own students treated this way, which I have witnessed myself. I would rather we have something tighter with regard to definition because I have seen how kids have gotten caught up, innocently, just because of their race. Thank you.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise to support the bill in terms of the comments from our young colleague on the other side of the room. I do not believe that this bill is aimed at prohibiting certain associations, and that is protection under the United States Constitution. I was satisfied, and I believe the co-chair was satisfied, that this bill did not prohibit freedom of association except as is permissible under existing statute and that ties into the comments of the other speaker regarding the definition of gang and gang activity and paraphernalia. This is a definition that we took from another section of the law, which has been residing in our statutes since 1991, and has not been found to be unconstitutional. It is permissible, and in fact, it is necessary.

I would just like to say that kids have a right to be kids and to do what they wish to do so long as it is lawful and it is relatively positive. Gangs are bad. We don't need gangs or gang activity on our school property. Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. As a school teacher, I also rise in support of a policy. I want to bring up a concern that was raised here, and that is of the requirement that the school district adopt rules which means that they have to go through the formal process in that school district to set up the standards. It also asks for the cooperation of private industry in developing for people of all grades, programs and activities designed to reduce the number of people who are participating in these criminal gangs.

I share in the concern that my colleague from the south has indicated to the bill in terms of the opportunity. Unfortunately, we have often seen in our profession where the administration decides a group or particular group of people might be suspect because of their activities at school and then utilize the gang statutes to reach that particular group. I believe that there is, in part at least, an attempt to codify this in such a way as to give a greater opportunity for the school district to meet the requirements that are not currently there.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 385. The proliferation of gang activity, particularly in our urban areas but not exclusive to them, and their impact on our society and our quality of life is a tragedy. We need to have additional tools to address those problems. There have been, in the past, problems with the enforcement of the laws regarding criminal gangs and the wide-sweeping approach to the use of that particular term. Since then, the courts have tightened up that definition. The definition in this bill has three prongs.

The definition of a criminal gang and the three prongs needed to be satisfied in order for that to stand the muster of our courts are as follows: the person has a common name or identifying symbol; has particular conduct, status and customs indicative of it; and has, as one of its common activities, engaging in criminal activity punishable as a felony. If those prongs are not met, then that person is not deemed by a court to be in a criminal gang or be a criminal gang member.

The criteria, and I can speak to it personally, is very, very difficult to meet in our courts today. So, it is with that particular definition that makes me comfortable with the approach that we are taking. I recognize that we are talking about school policies, but the association portion of that is not near as problematic, at least to me, as it would have been without that particular definition. Thank you, Mr. Speaker.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. Reluctantly, I rise to speak on this bill. But, I do rise in opposition, not in opposition to the intent, but in opposition to the reality of it. In my first session in this body, in 1987, the activity of gangs were at that time pretty exclusive. They were in the urban areas only and having seen some of the activity at that time and understanding what caused some of the activity, I presented to this body a number of legislative proposals to deal with the issue of street gangs.

At that time, those issues were ignored because the activities were exclusive to certain areas. I gave what I think was an appropriate warning that if we do not deal correctly with the problem and not the system, that they would begin to proliferate throughout all parts of our state. I think most of us who represent areas throughout the state can now, in 1995, identify with the fact that proliferation has taken place throughout the state. That proliferation came about because we did what we are about to do today, deal with a kneejerk reaction to symptoms and not the real cause of understanding what is going on in our society.

Many of us who served in 1987 didn't believe that we would see such activities taking place in Douglas County, Carson City and Reno. It is increasing and it is going to continue to increase whether this type of bill passes or not, because we are tackling it in the wrong way.

Those young people who engage in these types of activities are not going to stop by the public library to see which new laws are on the books that deal with punishment and

punitive situations because we are concerned and want to show the public exactly what the problems are and how we are dealing with them as policymakers. My colleague from Assembly District No. 10 is absolutely on target.

I can tell you from the educational standpoint that there is very little information that educators have to actually deal with this and to carry out this piece of legislation if it passes in the correct manner. Even if we wanted to understand more as educators, there is always a move not to allow us or pigeonhole us into not getting this type of information or learning more about these situations. We are geared more toward a pointed view.

This piece of legislation, if passed, will cause the Assembly Ways and Means Committee and Senate Finance Committee to be even more baffled and to dig even deeper to find revenues to build more institutions to incarcerate, not because of those who actually are criminals and who should be placed in our correctional institutions, prisons and jails, but there will be a tremendous amount of young people who will fall victim to the incarceration institutions in our state. If you think our budgets are loony now with more prisons and more prison costs, these types of bills will cause it to gather even more.

I can understand how it was concurrently referred to both Judiciary and Ways and Means. We are taking the wrong approach; a particular conduct which identifies, that is based on one person's objective or subjective point of view. If we place this on the school ground, we are really stepping on some territory that is going to make this situation explode and cause those whom we are pointing fingers at to rebel even more. I would urge my colleagues to take a very serious look at this and oppose it. I think we should, even with the short time that we have left here, consider the fiscal impact that this is going to cause upon our state.

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker. To you and through you to those who spoke in opposition to this bill. I appreciate my colleague from Assembly District No. 6 identifying his foresight to deal with the problem of juvenile crime. This bill does not stand alone.

This legislature has taken a position this year of dealing with an area that we feel we have some impact on, and that is juvenile crime. In this bill, it is not my intent to punish those who are not involved in these activities; namely criminal activity. I think that big problems require big decisions. This body needs to make a decision as to what we want to do with an area in which I think we can have some inroads, and that is with our juveniles. By taking the actions called for in Assembly Bill No. 317 and also in this bill, it is my feeling that we will stop, hopefully, the proliferation of our youth going into prisons and increasing our prison population.

We need to take a position in this state that juveniles who commit crimes have to be dealt with in a way that adults who commit similar crimes are dealt with. They have to know that they have implications for the activities in which they participate. I urge your support of this bill. It does not have a fiscal impact or fiscal statement on it. For those of you who say it does have a fiscal impact, I am attempting to do this so that it reduces our fiscal impact to our prisons. I urge your support.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. For a second time, I just wish to say a couple of things. I think the debate has turned to philosophy about how to deal with gangs and gang activity.

I would like to say that I have known some kids who have been involved in gangs and who have gotten out. They were and are good kids. They were good kids when they were in the gang, and that is the point of this bill. These kids, juveniles, need someone to tell them that gang activity is wrong. There is a better replacement for that. The way of doing that is not through some silly federal spending program to prevent that activity, it is through strengthening families and strengthening schools. This bill strengthens our schools. That is the idea. It is a good bill. Please pass it.

Assemblymen Ernaut, Marvel and Lambert moved the previous question.
Motion carried.

The question being on the passage of Assembly Bill No. 385.

Roll call on Assembly Bill No. 385:

YEAS—36.

NAYS—Arberry, Bache, Giunchigliani, Goldwater, Price, Williams—6.

Assembly Bill No. 385 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 399.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Potential conflict of interest declared by Assemblyman Allard.

Roll call on Assembly Bill No. 399:

YEAS—42.

NAYS—None.

Assembly Bill No. 399 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 526.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 526:

YEAS—42.

NAYS—None.

Assembly Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 549.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 549:

YEAS—42.

NAYS—None.

Assembly Bill No. 549 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 582.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Harrington.

Roll call on Assembly Bill No. 582:

YEAS—42.

NAYS—None.

Assembly Bill No. 582 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 600.

Bill read third time.
Remarks by Assemblymen Manendo, Harrington and Price.
Roll call on Assembly Bill No. 600:
YEAS—39.
NAYS—Bennett, Harrington, Schneider—3.

Assembly Bill No. 600 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bill No. 607 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 619.
Bill read third time.
Remarks by Assemblyman Close.
Roll call on Assembly Bill No. 619:
YEAS—42.
NAYS—None.

Assembly Bill No. 619 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 663.
Bill read third time.
Remarks by Assemblymen Manendo and Buckley.
Roll call on Assembly Bill No. 663:
YEAS—21.
NAYS—Anderson, Bache, Brower, Buckley, Close, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Lambert, Marvel, Monaghan, Nolan, Ohrenschall, Sandoval, Schneider, Spitler, Tiffany, Tripple—21.

Assembly Bill No. 663 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 673.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Assembly Bill No. 673:
YEAS—42.
NAYS—None.

Assembly Bill No. 673 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 678.
Bill read third time.
Remarks by Assemblyman Close.

Roll call on Assembly Bill No. 678:

YEAS—42.

NAYS—None.

Assembly Bill No. 678 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 690.

Bill read third time.

Remarks by Assemblyman Allard.

Roll call on Assembly Bill No. 690:

YEAS—42.

NAYS—None.

Assembly Bill No. 690 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 34.

Resolution read third time.

Remarks by Assemblyman Batten.

Roll call on Assembly Joint Resolution No. 34:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 34 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that all rules be suspended and that Assembly Bills Nos. 219, 232, 378, 385, 399, 526, 549, 582, 600, 619, 640, 663, 673, 678, 690; Assembly Joint Resolution No. 34 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 103.

Bill read third time.

Remarks by Assemblyman de Braga.

Roll call on Senate Bill No. 103:

YEAS—41.

NAYS—Neighbors.

Senate Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 329.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Bill No. 329:
YEAS—42.
NAYS—None.

Senate Bill No. 329 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assemblyman Batten moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 12:30 p.m.

ASSEMBLY IN SESSION

At 12:38 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 335 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

Assemblyman Ernaut moved that Assembly Bill No. 198 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 226.
Bill read third time.
Remarks by Assemblyman Harrington.
Roll call on Senate Bill No. 226:
YEAS—42.
NAYS—None.

Senate Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 17.
Resolution read third time.
Remarks by Assemblyman Stroth.
Roll call on Senate Joint Resolution No. 17:
YEAS—42.
NAYS—None.

Senate Joint Resolution No. 17 having received a constitutional majority, Mr. Speaker declared it passed.
Resolution ordered transmitted to the Senate.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:43 p.m.

ASSEMBLY IN SESSION

At 12:59 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 377, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was re-referred Senate Bill No. 332, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Assembly Bills Nos. 290, 291, has had the same under consideration, and begs leave to report the same back without recommendation.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which were referred Senate Bill No. 261; Assembly Joint Resolution No. 42; Senate Joint Resolution No. 23, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MARCIA DE BRAGA, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 631, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Lambert moved that Assembly Bill No. 631 be re-referred to the Committee on Ways and Means.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 20, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 131.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 78, 470, 562.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 16, 88, 133, 214, 322, 403, 420, 433, 435, 442, 443, 462.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that the vote whereby Senate Bill No. 226 was passed be rescinded.

Motion carried.

Assemblyman Ernaut moved that Senate Bill No. 226 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ernaut moved that Assembly Bills Nos. 580, 606; Senate Bills Nos. 36, 416 be placed on the General File.

Motion carried.

Assemblyman Ernaut moved that Assembly Bills Nos. 218, 245, 386, 440, 462, 466, 517, 545, 560, 575, 592, 598, 616, 618, 646, 647, 667; Assembly Joint Resolution No. 41; Senate Bills Nos. 135, 136, 223, 298, 332, 377, 524, 525, 527, 528; Senate Joint Resolution No. 20 be placed on the Second Reading File.

Motion carried.

Assemblyman Ernaut moved that Assembly Bills Nos. 290, 291; Assembly Joint Resolution No. 42; Senate Bill No. 261; Senate Joint Resolution No. 23 be placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 132.

Bill read third time.

The following amendment was proposed by Assemblyman Buckley:

Amendment No. 410.

Amend section 1, page 2, by deleting line 18 and inserting:

"*6. At the time of sentencing, a court may accept as a partial mitigation of the offense*".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 198.

Bill read third time.

The following amendment was proposed by Assemblyman Ernaut:

Amendment No. 1138.

Amend section 1, page 1, line 8, by deleting "*including the*" and inserting: "*including, without limitation:*

(a) The".

Amend section 1, page 1, between lines 10 and 11, by inserting:

"*(b) The powers and duties of the sheriff regarding the service of:*

(1) Civil process for indigent persons.

(2) Injunctions, restraining orders and other orders for protection against domestic violence.".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 580.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 580:

YEAS—38.

NAYS—Carpenter, Price, Spitler, Tiffany—4.

Assembly Bill No. 580 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 606.

Bill read third time.

Remarks by Assemblyman Buckley.

Roll call on Assembly Bill No. 606:

YEAS—42.

NAYS—None.

Assembly Bill No. 606 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 36.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 908.

Amend the bill as a whole by renumbering sections 4 and 5 as sections 5 and 6 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. Section 27 of Senate Bill No. 385 of this session is hereby amended to read as follows:

Sec. 27. NRS 453.221 is hereby amended to read as follows:

453.221 1. The board may adopt regulations and charge reasonable fees relating to the registration and control of the [manufacture, distribution and] dispensing of controlled substances within this state.

2. The board may charge an additional fee for dispensing controlled substances included in schedules I to V, inclusive, to cover the cost of developing and maintaining the computerized program developed pursuant to section 1 of this act. The amount of the fee must be:

(a) Set so that the aggregate amount received from the fee does not exceed the estimated costs of developing and maintaining the program.

(b) Approved by the legislature, if it is in regular session, or the interim finance committee, if the legislature is not in regular session.".

Amend sec. 5, page 2, line 30, by deleting "4" and inserting "5".

Amend sec. 5, page 2, by deleting line 32 and inserting:

"2. Sections 3 and 4 of this act become effective on July 1, 1995.".

Assemblyman Monaghan moved the adoption of the amendment.

Remarks by Assemblyman Monaghan.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 416.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 812.

Amend sec. 44, page 16, by deleting lines 3 through 9 and inserting:

"*(1) For life* without *the* possibility of parole [.] *;*

(2) For life with the possibility of parole, with eligibility for parole beginning when a minimum of 20 years has been served; or

(3) For a definite term of 50 years, with eligibility for parole beginning when a minimum of 20 years has been served.

A determination of whether aggravating circumstances exist is not necessary to fix the penalty at imprisonment for life with or without the possibility of parole. [If the penalty is fixed at life imprisonment with possibility of parole, eligibility for parole begins when a minimum of 10 years has been served.

5. Every]".

Amend sec. 326, page 137, by deleting lines 2 through 39 and inserting:

"484.3795 1. [Any] *A* person who:

(a) Is under the influence of intoxicating liquor;

(b) Has 0.10 percent or more by weight of alcohol in his blood;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have 0.10 percent or more by weight of alcohol in his blood;

(d) Is under the influence of a controlled substance, or under the combined influence of intoxicating liquor and a controlled substance; or

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle,

and does any act or neglects any duty imposed by law while driving or in actual physical control of any vehicle on or off the highways of this state, if the act or neglect of duty proximately causes the death of, or substantial bodily harm to, [any] *a* person other than himself, *is guilty of a category B felony and* shall be punished by imprisonment in the state prison for *a minimum term of* not less than [1 year nor] *2 years and a maximum term of not* more than 20 years and must be further punished by a fine of not less

than $2,000 nor more than $5,000. A person so imprisoned must, insofar as practicable, be segregated from offenders whose crimes were violent and, insofar as practicable, be assigned to an institution or facility of minimum security.

2. [No] *A* prosecuting attorney [may] *shall not* dismiss a charge of violating the provisions of subsection 1 in exchange for a plea of guilty or nolo contendere to a lesser charge or for any other reason unless he knows or it is obvious that the charge is not supported by probable cause or cannot be proved at the time of trial. [Except as otherwise provided in subsection 4, a] *A* sentence imposed pursuant to subsection 1 may not be suspended nor may probation be granted.

3. If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood was tested, to cause the alcohol in his blood to equal or exceed 0.10 percent. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4. [A person convicted of violating any provision of this section may be sentenced to a specified term of imprisonment in accordance with the provisions of subsection 1. The court may order suspension of the sentence if, as a condition of the suspension, the defendant:

(a) Is imprisoned in the state prison, an institution of minimum security, a conservation camp, a restitution center or a similar facility for not less than 1 year; and

(b) Upon completion of the term of imprisonment, begins serving a period of probation not to exceed 10 years.

5.] If the defendant was transporting a person who is less than 15 years of age in the motor vehicle at the time of the violation, the court shall consider that fact as an aggravating factor in determining the sentence of the defendant.".

Amend sec. 363, page 152, line 45, after "director," by inserting "manager,".

Amend the bill as a whole by renumbering sections 381 and 382 as sections 386 and 387 and adding new sections designated sections 381 through 385, following sec. 380, to read as follows:

"Sec. 381. Sections 30, 33 and 36 of Senate Bill No. 385 of this session are hereby amended to read as follows:

Sec. 30. NRS 453.232 is hereby amended to read as follows:

453.232 A person who [manufactures, distributes or] dispenses a controlled substance without being registered by the board if required by NRS 453.231 is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 33. NRS 453.256 is hereby amended to read as follows:

453.256 1. [As used in this section, "medical treatment" includes dispensing or administering a narcotic drug for pain, whether or not intractable.

2. Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, and] *Except* as otherwise provided in subsection [3,] *2*, a substance included in schedule II must not be dispensed without the written prescription of a practitioner.

[3.] *2. A controlled substance included in schedule II may be dispensed without the written prescription of a practitioner only:*

(a) In an emergency, as defined by regulation of the board, [a substance included in schedule II may be dispensed] upon oral prescription of a practitioner, reduced to writing promptly and in any case within 72 hours, signed by the practitioner and filed by the pharmacy.

(b) Upon the use of a facsimile machine to transmit the prescription for a substance included in schedule II by a practitioner or a practitioner's agent to a pharmacy for:

(1) Direct administration to a patient by parenteral solution; or

(2) A resident of a facility for intermediate care or a facility for skilled nursing which is licensed as such by the health division of the department of human resources.

A prescription transmitted by a facsimile machine pursuant to this paragraph must be printed on paper which is capable of being retained for at least 2 years. For the purposes of this section, such a prescription constitutes a written prescription. The pharmacy shall keep prescriptions in conformity with the requirements of NRS 453.246. A prescription for a substance included in schedule II must not be refilled.

[4.] *3.* Except when dispensed directly by a practitioner, other than a pharmacy, to an ultimate user, a substance included in schedule III or IV which is a dangerous drug as determined under NRS 454.201, must not be dispensed without a written or oral prescription of a practitioner. The prescription must not be filled or refilled more than 6 months after the date thereof or be refilled more than five times, unless renewed by the practitioner.

[5.] *4.* A substance included in schedule V may be distributed or dispensed only for a medical purpose, including medical treatment or authorized research.

[6.] *5.* A practitioner may dispense or deliver a controlled substance to or for a person or animal only for medical treatment or authorized research in the ordinary course of his profession.

[7.] *6.* No civil or criminal liability or administrative sanction may be imposed on a pharmacist for action taken in good faith in reliance on a reasonable belief that an order purporting to be a prescription was issued by a practitioner in the usual course of professional treatment or in authorized research.

[8.] *7.* An individual practitioner may not dispense a substance included in schedule II, III or IV for his own personal use except in a medical emergency.

[9.] *8.* A person who violates this section is guilty of a category E felony and shall be punished as provided in NRS 193.130.

9. As used in this section:

(a) "Facsimile machine" means a device which sends or receives a reproduction or facsimile of a document or photograph which is transmitted electronically or telephonically by telecommunications lines.

(b) "Medical treatment" includes dispensing or administering a narcotic drug for pain, whether or not intractable.

(c) "Parenteral solution" has the meaning ascribed to it in NRS 639.0105.

Sec. 36. NRS 454.221 is hereby amended to read as follows:

454.221 1. A person who furnishes any dangerous drug except upon the prescription of a practitioner is guilty of a category D felony and shall be punished as provided in NRS 193.130, unless the dangerous drug was obtained originally by a legal prescription.

2. The provisions of this section do not apply to the furnishing of any dangerous drug by:

(a) A practitioner to his [own] patients;

(b) A physician's assistant if authorized by the board;

(c) A registered nurse while participating in a public health program approved by the board, or an advanced practitioner of nursing who holds a certificate from the state board of nursing and a certificate from the state board of pharmacy permitting him to dispense dangerous drugs;

(d) A manufacturer or wholesaler or pharmacy to each other or to a practitioner or to a laboratory under records of sales and purchases that correctly give the date, the names and addresses of the supplier and the buyer, the drug and its quantity;

(e) A hospital pharmacy or a pharmacy so designated by a county health officer in a county whose population is 100,000 or more, or by a district health officer in any county within its jurisdiction or, in the absence of either, by the state health officer or his designated medical director of emergency medical services, to a person or agency described in subsection 3 of [NRS 453.510] *section 4 of this act* to stock ambulances or other authorized vehicles or replenish the stock; or

(f) A pharmacy in a correctional institution to a person designated by the director of the department of prisons to administer a lethal injection to a person who has been sentenced to death.

Sec. 382. Section 12 of Senate Bill No. 192 of this session is hereby amended to read as follows:

Sec. 12. NRS 213.1099 is hereby amended to read as follows:

213.1099 1. Except as otherwise provided in this section and NRS 213.1215, the board may release on parole a prisoner who is otherwise eligible for parole pursuant to NRS 213.107 to 213.160, inclusive, and section 5 of Senate Bill No. 61 of this session.

2. In determining whether to release a prisoner on parole, the board shall consider:

(a) Whether there is a reasonable probability that the prisoner will live and remain at liberty without violating the laws;

(b) Whether the release is incompatible with the welfare of society;

(c) The seriousness of the offense and the history of criminal conduct of the prisoner; and

(d) The standards adopted pursuant to NRS 213.10987 and the recommendation, if any, of the chief . [parole and probation officer.]

3. When a person is convicted of a felony and is punished by a sentence of imprisonment, he remains subject to the jurisdiction of the board from the time he is released on parole under the provisions of this chapter until the expiration of the maximum term of imprisonment imposed by the court less any credits earned to reduce his sentence pursuant to chapter 209 of NRS.

4. Except as otherwise provided in NRS 213.1215, the board may not release on parole a prisoner whose sentence to death or to life without possibility of parole has been commuted to a lesser penalty unless it finds that the prisoner has served at least 20 consecutive years in the state prison, is not under an order [that he] *to* be detained to answer for a crime or violation of parole or probation in another jurisdiction, and that he does not have a history of:

(a) Recent misconduct in the institution, and that he has been recommended for parole by the director of the department of prisons;

(b) Repetitive criminal conduct;

(c) Criminal conduct related to the use of alcohol or drugs;

(d) Repetitive sexual deviance, violence or aggression; or

(e) Failure in parole, probation, work release or similar programs.

5. In determining whether to release a prisoner on parole pursuant to this section, the board shall not consider whether the prisoner will soon be eligible for release pursuant to NRS 213.1215.

6. The board shall not release on parole a sex offender until the law enforcement agency in whose jurisdiction a sex offender will be released on parole has been provided an opportunity to give the notice required by the attorney general pursuant to section 10 of this act.

Sec. 383. Section 1 of Senate Bill No. 375 of this session is hereby amended to read as follows:

Section 1. Chapter 202 of NRS is hereby amended by adding thereto a new section to read as follows:

Unless a greater penalty is otherwise provided by statute and except under the circumstances described in NRS 484.377, a person who performs any act or neglects any duty imposed by law in willful or wanton disregard of the safety of persons or property shall be punished:

1. If the act or neglect does not result in the substantial bodily harm or death of a person, for a gross misdemeanor.

2. If the act or neglect results in the substantial bodily harm or death of a person, for a *category C* felony [.] *as provided in NRS 193.130.*

Sec. 384. Section 4 of Senate Bill No. 513 of this session is hereby amended to read as follows:

Sec. 4. NRS 207.195 is hereby amended to read as follows:

207.195 1. If a monetary instrument represents the proceeds of or is directly or indirectly derived from any unlawful activity, it is unlawful for a person, having knowledge of that fact:

(a) To conduct or attempt to conduct a financial transaction involving the instrument:

(1) With the intent to further any unlawful activity;

(2) With the knowledge that the transaction conceals the location, source, ownership or control of the instrument; or

(3) With the knowledge that the transaction evades any provision of federal or state law that requires the reporting of a financial transaction.

(b) To transport or attempt to transport the monetary instrument:

(1) With the intent to further any unlawful activity;

(2) With the knowledge that the transportation conceals the location, source, ownership or control of any proceeds derived from unlawful activity; or

(3) With the knowledge that the transportation evades any provision of federal or state law that requires the reporting of a financial transaction.

2. *It is unlawful for any person to conduct or attempt to conduct a financial transaction with the intent to evade a regulation adopted pursuant to NRS 463.125.*

3. A person who violates any provision of subsection 1 *or 2* is guilty of a category D felony and shall be punished as provided in NRS 193.130.

[3.] *4.* Each violation of subsection 1 *or 2* involving one or more monetary instruments totaling $10,000 or more shall be deemed a separate offense.

[4.] *5.* As used in this section:

(a) "Financial transaction" means any purchase, sale, loan, pledge, gift, transfer, deposit, withdrawal or other exchange involving a monetary instrument. The term does not include any instrument or transaction for the payment of assistance of counsel in a criminal prosecution.

(b) "Monetary instrument" includes any coin or currency of the United States or any other country, any traveler's check, personal check, money order, bank check, cashier's check, stock, bond, precious metal, precious stone or gem or any negotiable instrument to which title passes upon delivery. The term does not include any instrument or transaction for the payment of assistance of counsel in a criminal prosecution.

(c) "Unlawful activity" includes any crime related to racketeering as defined in NRS 207.360 or any offense punishable as a felony pursuant to state or federal statute. The term does not include any procedural error in the acceptance of a credit instrument, as defined in NRS 463.01467, by a person who holds a nonrestricted gaming license.

Sec. 385. Sections 1 and 2 of Senate Bill No. 192 of this session and section 3 of Senate Bill No. 513 of this session are hereby repealed.".

Amend the bill as a whole by adding the text of the repealed sections, following sec. 382, to read as follows:

"TEXT OF REPEALED SECTIONS

Section 1 of Senate Bill No. 192 of this session:

Section 1. NRS 200.366 is hereby amended to read as follows:

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

2. [Any] *Except as otherwise provided in subsection 3, a* person who commits a sexual assault shall be punished:

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

(1) By imprisonment in the state prison for life, without *the* possibility of parole; or

(2) By imprisonment in the state prison for life with *the* possibility of parole, eligibility for which begins when a minimum of 10 years has been served.

(b) If no substantial bodily harm to the victim results:

(1) By imprisonment in the state prison for life, with *the* possibility of parole, beginning when a minimum of 5 years has been served; or

(2) By imprisonment in the state prison for any definite term of 5 years or more, with eligibility for parole beginning when a minimum of 5 years has been served.

[(c) If the victim was a child under the age of 14 years, by imprisonment in the state prison for life with possibility of parole, eligibility for which begins when a minimum of 10 years has been served.]

3. *A person who commits a sexual assault against a child under the age of 16 years shall be punished:*

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

(b) If the crime does not result in substantial bodily harm to the child, by imprisonment in the state prison for:

(1) Life with the possibility of parole, beginning when a minimum of 20 years has been served; or

(2) Any definite term of not less than 5 years nor more than 20 years, without the possibility of parole.

4. The trier of fact in a trial for sexual assault shall determine whether substantial bodily harm has been inflicted on the victim in connection with or as a part of the sexual assault, and if so, the sentence to be imposed upon the perpetrator.

Section 2 of Senate Bill No. 192 of this session:

Sec. 2. NRS 200.400 is hereby amended to read as follows:

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

2. Any person convicted of battery with intent to kill, commit [sexual assault,] mayhem, robbery or grand larceny shall be punished by imprisonment in the state prison for not less than 2 years nor more than 10 years, and may be further punished by a fine of not more than $10,000 . [, except that if a battery with intent to commit a sexual assault is committed, and if the crime results in substantial bodily harm to the victim, the person convicted shall be punished by imprisonment in the state prison for life, with or without the possibility of parole, as determined by the verdict of the jury, or the judgment of the court if there is no jury.]

3. *A person convicted of battery with intent to commit sexual assault shall be punished:*

(a) If the crime results in substantial bodily harm to the victim, by imprisonment in the state prison for life with or without the possibility of parole, as determined by the verdict of the jury or the judgment of the court if there is no jury;

(b) If the crime does not result in substantial bodily harm to the victim and the victim is 16 years of age or older, by imprisonment in the state prison for not less than 2 years nor more than 10 years; or

(c) If the crime does not result in substantial bodily harm to the victim and the victim was a child under the age of 16, by imprisonment in the state prison for not less than 5 years nor more than 15 years, without the possibility of parole,

and may be further punished by a fine of not more than $10,000.

4. If the penalty is fixed at life imprisonment with the possibility of parole, eligibility for parole begins when a minimum of 10 years has been served.

Section 3 of Senate Bill No. 513 of this session:

Sec. 3. NRS 463.360 is hereby amended to read as follows:

463.360 1. Conviction by a court of competent jurisdiction of a person for a violation of, an attempt to violate, or a conspiracy to violate any of the provisions of this chapter or of chapter 463B, 464 or 465 of NRS may act as an immediate revocation of all licenses which have been issued to the violator, and, in addition, the court may, upon application of the district attorney of the county or of the commission, order that no new or additional license under this chapter be issued to the violator, or be issued to any person for the room or premises in which the violation occurred, for 1 year after the date of the revocation.

2. Any person who willfully fails to report, pay or truthfully account for and pay over any license fee or tax imposed by the provisions of this chapter, or willfully attempts in any manner to evade or defeat any such license fee, tax or payment thereof shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

3. Except as provided in subsection 4, any person who willfully violates, attempts to violate, or conspires to violate any of the provisions of subsection 1 of NRS 463.160 shall be punished by imprisonment in the state prison for not less than 1 year nor more than 20 years, by a fine of not more than $50,000, or by both fine and imprisonment.

4. A licensee who puts additional games or slot machines into play or displays additional games or slot machines in a public area without first obtaining all required licenses and approval is subject only to the penalties provided in NRS 463.270 and 463.310 and in any applicable ordinance of the county, city or town.

5. [Any] *Except when the provisions of NRS 207.195 apply, a* person who willfully violates any provision of a regulation adopted pursuant to NRS 463.125 shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than [$5,000,] *$10,000,* or by both fine and imprisonment.

6. The violation of any of the provisions of this chapter, the penalty for which is not specifically fixed in this chapter, is a gross misdemeanor.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that the reading of the history on bills and resolutions on the Second Reading File be dispensed with.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1128.

Amend section 1, page 1, line 3, by deleting "$629,818" and inserting "$434,484".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. 1. The division of child and family services of the department of human resources is authorized to expend for office equipment:

(a) The sum of $93,161, if received pursuant to Title IV-E of the Federal Child Welfare Services Act; and

(b) The sum of $24,990, if received pursuant to Title IV-A of the Federal Aid to Dependent Children Act.

2. If the division receives the federal money authorized for expenditure pursuant to subsection 1, the division shall repay the sum of $21,191 per year to the state general fund on or before September 1, 1996, for the fiscal

year 1995-96 and, in like manner, on or before September 1 of the three years immediately following thereafter in repayment for the prior fiscal years respectively.".

Amend the title of the bill to read as follows: "An Act relating to the division of child and family services of the department of human resources; making an appropriation to the division for vehicles, computers and miscellaneous equipment; authorizing the expenditure of certain federal money for office equipment; requiring repayment of the state general fund under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, after "appropriation to" by inserting: "and authorizes expenditure by".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 245.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1110.

Amend section 1, page 1, line 2, by deleting "$289,597" and inserting "$428,907".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 386.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 440.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 871.

Amend sec. 2, page 2, line 26, after "4." by inserting: "*The commissioner may waive the investigation required by subsection 3 if the applicant submits with his application satisfactory proof that he, in good standing, currently holds a license, or held a license within 1 year before the date he submits his application, which was issued pursuant to the provisions of NRS 692A.103.*

5.".

Amend sec. 2, page 2, line 28, by deleting "5." and inserting [5.] *6.*".

Amend sec. 3, page 2, line 39, by deleting "*$10,000,*" and inserting "*$50,000,*".

Amend sec. 3, page 3, line 13, by deleting "*$10,000*" and inserting "*$50,000*".

Amend sec. 3, pages 3 and 4, by deleting lines 43 through 47 on page 3 and lines 1 through 7 on page 4.

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. NRS 692A.103 is hereby amended to read as follows:

692A.103 1. A person who wishes to obtain a license as an escrow officer must:

(a) File a written application in the office of the commissioner;

(b) [Demonstrate] *Except as otherwise provided in subsection 3, demonstrate* competency in matters relating to escrows by:

(1) Having at least 1 year of recent experience with respect to escrows of a sufficient nature to allow him to fulfill the responsibilities of an escrow officer; or

(2) Passing a written examination concerning escrows as prescribed by the commissioner;

(c) Submit the name and business address of the title agent who will supervise the escrow officer; and

(d) Pay the fees required by NRS 680B.010.

2. The commissioner shall issue a license as an escrow officer to any person who satisfies the requirements of subsection 1.

3. *The commissioner may waive the requirements of paragraph (b) of subsection 1 if the applicant submits with his application satisfactory proof that he, in good standing, currently holds a license, or held a license within 1 year before the date he submits his application, which was issued pursuant to the provisions of NRS 645A.020.*

4. A license issued pursuant to this chapter continues in force for 3 years unless it is suspended, revoked or otherwise terminated. The license may be renewed by payment of the applicable fee for renewal to the commissioner on or before the last day of the month in which the license is renewable.

[4.] *5.* A license which is not renewed expires at midnight on the last day specified for its renewal. The commissioner may accept a request for renewal received by him within 30 days after the expiration of the license if the request is accompanied by a fee for renewal of 150 percent of the fee otherwise required.

[5.] *6.* The commissioner shall adopt regulations to carry out the provisions of this section.".

Amend the title of the bill to read as follows:

"An Act relating to escrow licensees; authorizing certain deposits as a substitute for the surety bond required of an applicant for a license as an escrow agency; increasing the required amount of such a bond; authorizing the commissioner of financial institutions to waive certain requirements for the issuance of a license as an escrow agency or agent; prescribing fees for an application for, and the issuance or renewal of, a license as an escrow agent; authorizing the commissioner of insurance to waive certain requirements for the issuance of a license as an escrow officer; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing escrow agents, agencies and officers. (BDR 54-1770)".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 592 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 462.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 781.

Amend the bill as a whole by deleting sections 1 through 28 and the leadlines of repealed sections and adding new sections designated sections 1 through 25, following the enacting clause, to read as follows:

"Section 1. Chapter 487 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this act.

Sec. 2. *As used in sections 2 to 12, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 6, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *"Division" means the consumer affairs division of the department of business and industry.*

Sec. 4. *"Garage" means any business establishment, sole proprietorship, firm, corporation, association or other legal entity which performs the following work on motor vehicles:*

1. Diagnostic testing;

2. Engine tune-up;

3. Alignment;

4. Oil change and lubrication;

5. Maintenance and servicing; or

6. Adjustment, removal or installation of any component or part of a motor vehicle.

Sec. 5. *"Garageman" means:*

1. Any person who owns, operates, controls or manages a garage.

2. Any person who is authorized to repair motor vehicles at a garage which is owned, operated, controlled or managed by another person.

Sec. 6. *"Motor vehicle" means:*

1. A passenger car as defined in NRS 482.087;

2. A mini motor home as defined in NRS 482.066;

3. A motor home as defined in NRS 482.071;

4. A recreational vehicle as defined in NRS 482.101; and

5. A motortruck as defined in NRS 482.073 if it has a gross vehicle weight rating of 10,000 pounds or less.

Sec. 7. *The provisions of sections 2 to 10, inclusive, of this act do not apply to:*

1. An authorized inspection station, authorized maintenance station, authorized station or fleet station which is licensed pursuant to the provisions of NRS 445.610 to 445.710, inclusive, for actions taken within the scope of that license.

2. A body shop which is licensed pursuant to the provisions of NRS 487.600 to 487.690, inclusive, for actions taken within the scope of that license.

3. A service station exclusively engaged in the business of selling motor vehicle fuel, lubricants or goods unrelated to the repair of motor vehicles.

Sec. 8. *1. A garageman shall register with the department for the operation of a garage.*

2. An application for registration must be on a form provided by the department. The application must include:

(a) The name of the applicant, including each name under which he intends to do business;

(b) The complete street address of each location from which the applicant will be conducting business, including a designation of the location which will be his principal place of business;

(c) A copy of the business license for each garage operated by the applicant if the county or city in which the applicant operates a garage requires such a license;

(d) The type of repair work offered at each garage operated by the applicant;

(e) The number of mechanics employed at each garage operated by the applicant; and

(f) Any other information required by the department.

3. For each garage operated by an applicant, the department shall charge a fee of $25 for the issuance or renewal of registration. If an applicant operates more than one garage, he may file one application if he clearly indicates on the application the location of each garage operated by the applicant and each person responsible for the management of each garage.

4. Except as otherwise provided in section 11 of this act, all fees collected pursuant to this section must be deposited with the state treasurer for credit to the account for regulation of salvage pools, automobile wreckers, body shops and garages.

5. An applicant for registration or renewal of registration shall notify the department of any material change in the information contained in his application for registration or renewal within 10 days after his knowledge of the change.

Sec. 9. *1. If the department approves an application for registration, it shall issue to the applicant a certificate of registration for each garage operated by the applicant. The certificate must contain the applicant's name, residential address, the name under which his business is to be conducted,*

the business address, the registration number for the garage and the toll-free telephone number for consumer information and assistance established by the division pursuant to section 23 of this act.

2. A certificate of registration is valid for 1 year after the date of issuance. A garageman may renew his registration by submitting to the department:

(a) An application for renewal on a form provided by the department; and

(b) The fee for renewal set forth in section 8 of this act.

Sec. 10. *1. A garageman shall display a sign in a conspicuous place at each garage operated by him containing the toll-free telephone number for consumer information and assistance established by the division pursuant to section 23 of this act.*

2. A garageman shall comply with the provisions of NRS 597.480 to 597.590, inclusive.

Sec. 11. *1. The motor vehicle repair advisory board is hereby created.*

2. The board consists of nine members appointed by the governor as follows:

(a) One member who represents franchise motor vehicle dealers;

(b) One member who represents emissions control testing facilities;

(c) One member who represents service stations;

(d) One member of the assembly;

(e) One member of the senate;

(f) One member who represents the consumer affairs division of the department of business and industry;

(g) One member who represents the department of motor vehicles and public safety; and

(h) Two members who represent the motor vehicle repair industry.

3. The members of the board shall select a chairman and a vice chairman from among their membership annually.

4. Each legislator who is a member of the board is entitled to receive:

(a) Except during a regular or special session of the legislature, the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the board; and

(b) The per diem allowance and travel expenses provided for state officers and employees generally.

The compensation, per diem allowance and travel expenses must be paid from the legislative fund.

5. Each nonlegislative member of the board serves without compensation but is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally. The per diem allowance and travel expenses must be paid by the department from the money received by the department pursuant to section 8 of this act.

6. A vacancy in the board must be filled for the remainder of an unexpired term in the same manner as the original appointment.

7. The department shall provide the board with administrative support.

Sec. 12. *The motor vehicle repair advisory board shall:*

1. Meet at the call of the chairman at least two times each year;

2. Make recommendations to the department and the legislature for the training and certification of garagemen;

3. Study the need for improving the regulation of motor vehicle repair practices, including, but not limited to, the review of estimates of repair, laws which govern deceptive trade practices relating to motor vehicle repairs and the fees for the licensure of garages;

4. Identify and analyze problems within the motor vehicle repair industry and make recommendations to the department, the division and the legislature to address the problems through governmental regulation or private industry, or both;

5. Provide information to the division for the development of a program of public education pursuant to the provisions of section 23 of this act;

6. Advise the division and the department on methods to investigate consumer complaints relating to motor vehicle repairs; and

7. Submit to the 69th session of the Nevada legislature a report which summarizes the activities of the board and any recommendations made by the board.

Sec. 13. NRS 487.070 is hereby amended to read as follows:

487.070 1. The department may approve or reject the application and, if approved, shall issue to the applicant:

(a) A license containing the applicant's name, address, the name under which the business is to be conducted, the business address, and a distinguishing number assigned to the applicant.

(b) A card which:

(1) Contains the information specified in paragraph (a);

(2) Includes a picture of the licensee; and

(3) Clearly identifies the holder of the card as a licensed automobile wrecker.

2. A licensee may obtain one or two cards for his business. The department shall charge a fee of $50 for each card issued. Fees collected by the department pursuant to this subsection must be deposited with the state treasurer to the credit of the account for regulation of salvage pools, automobile wreckers , [and] body shops [.] *and garages.*

3. A license expires on December 31 of the year for which it is issued.

4. A licensee may renew his license by submitting to the department:

(a) A completed application for renewal upon a form supplied by the department; and

(b) The fee for renewal of a license provided in NRS 487.080.

Sec. 14. NRS 487.080 is hereby amended to read as follows:

487.080 1. The fee for issuance or renewal of an automobile wrecker's license is $300.

2. Fees collected must be deposited with the state treasurer to the credit of the account for regulation of salvage pools, automobile wreckers , [and] body shops [.] *and garages.*

Sec. 15. NRS 487.450 is hereby amended to read as follows:

487.450 1. The department shall charge and collect a fee of $300 for the issuance or renewal of a license to operate a salvage pool.

2. Fees collected by the department pursuant to this section must be deposited with the state treasurer to the credit of the account for regulation of salvage pools, automobile wreckers , [and] body shops [,] *and garages,* which is hereby created in the state general fund. Money in the account may be used only for the administration of NRS 487.002, 487.050 to 487.200, inclusive, and 487.400 to 487.690, inclusive [.] , *and sections 2 to 10, inclusive, of this act.*

Sec. 16. NRS 487.475 is hereby amended to read as follows:

487.475 1. A card authorizing a dealer of new or used motor vehicles or a rebuilder to bid to purchase a vehicle from an operator of a salvage pool must contain:

(a) The dealer's or rebuilder's name and signature;

(b) His business name;

(c) His business address;

(d) His business license number issued by the department; and

(e) A picture of the dealer or rebuilder.

2. A dealer or rebuilder may obtain one or two cards for his business.

3. The department shall charge a fee of $50 for each card issued.

4. A card issued pursuant to this section expires on December 31 of the year in which it was issued. The dealer or rebuilder must submit to the department an application for renewal accompanied by a renewal fee of $25 for each card. The application must be made on a form provided by the department and contain such information as the department requires.

5. Fees collected by the department pursuant to this section must be deposited with the state treasurer to the credit of the account for regulation of salvage pools, automobile wreckers , [and] body shops [.] *and garages.*

Sec. 17. NRS 487.630 is hereby amended to read as follows:

487.630 1. An application for a license to operate a body shop must be filed with the department upon forms supplied by the department. The application must be accompanied by such proof as the department requires to evidence that the applicant meets the statutory requirements to become an operator of a body shop.

2. The department shall charge a fee of $300 for the issuance or renewal of a license to operate a body shop. Fees collected by the department pursuant to this subsection must be deposited with the state treasurer to the credit of the account for regulation of salvage pools, automobile wreckers , [and] body shops [.] *and garages.*

3. Upon receipt of the application and when satisfied that the applicant is entitled thereto, the department shall issue to the applicant a license to operate a body shop. The license must contain the name and the address of the body shop and the name of the operator.

4. Upon receipt of the license, the operator shall display the license number prominently in the body shop and include the license number on all estimates and invoices for repairs.

5. A license expires on December 31 of the year for which it is issued.

6. A licensee may renew his license by submitting to the department:

(a) A completed application for renewal upon a form supplied by the department; and

(b) The fee for renewal of a license provided in subsection 2.

Sec. 18. NRS 487.700 is hereby amended to read as follows:

487.700 1. The department may impose an administrative fine, not to exceed $2,500, for a violation of any provision of this chapter, or any rule, regulation or order adopted or issued pursuant thereto. The department shall afford to any person so fined an opportunity for a hearing pursuant to the provisions of NRS 233B.121.

2. [All] *Except as otherwise provided in subsection 3, all* administrative fines collected by the department pursuant to subsection 1 must be deposited with the state treasurer [to the credit of the account for regulation of salvage pools, automobile wreckers and body shops.] *for credit to the state general fund.*

3. *The department may delegate to a hearing officer or panel its authority to impose and collect administrative fines pursuant to subsection 1 and deposit the money therefrom with the state treasurer for credit to the account for regulation of salvage pools, automobile wreckers, body shops and garages.*

4. In addition to any other remedy provided by this chapter, the department may compel compliance with any provision of this chapter and any rule, regulation or order adopted or issued pursuant thereto, by injunction or other appropriate remedy and the department may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

Sec. 19. NRS 597.480 is hereby amended to read as follows:

597.480 As used in NRS 597.480 to 597.590, inclusive, unless the context otherwise requires:

1. "Garage" [means any business establishment, sole proprietorship, firm, corporation, association or other legal entity that engages in the business of repairing motor vehicles.

2. "Garageman" means any person who owns, operates, controls or manages a garage.

3.] *has the meaning ascribed to it in section 4 of this act.*

2. "Garageman" has the meaning ascribed to it in section 5 of this act.

3. "Motor vehicle" means:

(a) A motorcycle as defined in NRS 482.070;

(b) A motortruck as defined in NRS 482.073 if its gross vehicle weight does not exceed 10,000 pounds;

(c) A passenger car as defined in NRS 482.087;

(d) A mini motor home as defined in NRS 482.066;

(e) A motor home as defined in NRS 482.071; and

(f) A recreational vehicle as defined in NRS 482.101.

4. "Person authorizing repairs" *means a person who uses the services of a garage and* includes an insurance company, its agents or representatives, authorizing repairs to motor vehicles under a policy of insurance.

[5. "Repair" or "repairing" includes modifying and performing maintenance work on motor vehicles, but does not include lubrication or oil change, repairing or changing tires, or replacing batteries, wiper blades, fan belts or other minor accessories.]

Sec. 20. Chapter 598 of NRS is hereby amended by adding thereto the provisions set forth as sections 21, 22 and 23 of this act.

Sec. 21. *As used in sections 21, 22 and 23 of this act, unless the context otherwise requires:*

1. "Department" means the department of motor vehicles and public safety.

2. "Division" means the consumer affairs division of the department of business and industry.

Sec. 22. *1. The division and the department shall cooperate to enhance the protection of persons who authorize the repair of motor vehicles by a garage which is registered with the department pursuant to the provisions of sections 2 to 10, inclusive, of this act.*

2. The commissioner of consumer affairs may provide to the department a copy of any complaint filed with the division which alleges a deceptive trade practice pursuant to the provisions of NRS 598.0903 to 598.0999, inclusive, by a garage or garageman registered pursuant to the provisions of sections 2 to 10, inclusive, of this act. If the commissioner provides the department with a copy of a complaint, the department is subject to the provisions of NRS 598.098 with respect to the complaint.

3. The department may provide assistance to the division in carrying out the provisions of section 23 of this act.

Sec. 23. *The division shall:*

1. Establish and maintain a toll-free telephone number for persons to report to the division information concerning alleged violations of NRS 487.035, 597.480 to 597.590, inclusive, 598.0903 to 598.0999, inclusive, and sections 2 to 10, inclusive, of this act.

2. Develop a program of public education to provide information concerning:

(a) The duties imposed on a garageman by the provisions of NRS 487.035, 597.480 to 597.590, inclusive, and sections 2 to 10, inclusive, of this act;

(b) The rights and protections established for a person who uses the services of a garage;

(c) Motor vehicle repair; and

(d) Deceptive trade practices relating to motor vehicle repair by a garage.

Sec. 24. NRS 598.0915 is hereby amended to read as follows:

598.0915 A person engages in a "deceptive trade practice" when in the course of his business or occupation he:

1. Knowingly passes off goods or services as those of another.

2. Knowingly makes a false representation as to the source, sponsorship, approval or certification of goods or services.

3. Knowingly makes a false representation as to affiliation, connection, association with or certification by another.

4. Uses deceptive representations or designations of geographic origin in connection with goods or services.

5. Knowingly makes a false representation as to the characteristics, ingredients, uses, benefits, alterations or quantities of goods or services or a false representation as to the sponsorship, approval, status, affiliation or connection of a person therewith.

6. Represents that goods are original or new if he knows or should know that they are deteriorated, altered, reconditioned, reclaimed, used or second-hand.

7. Represents that goods or services are of a particular standard, quality or grade, or that goods are of a particular style or model, if he knows or should know that they are of another.

8. Disparages the goods, services or business of another by false or misleading representation of fact.

9. Advertises goods or services with intent not to sell them as advertised.

10. Advertises goods or services with intent not to supply reasonably expectable public demand, unless the advertisement discloses a limitation of quantity.

11. Advertises under the guise of obtaining sales personnel when in fact the purpose is to first sell a product or service to the sales personnel applicant.

12. Makes false or misleading statements of fact concerning the price of goods or services, or the reasons for, existence of or amounts of price reductions.

13. Fraudulently alters any contract, written estimate of repair, written statement of charges or other document in connection with goods or services provided.

Sec. 25. 1. This section and sections 1 to 10, inclusive, and 13 to 24, inclusive, of this act become effective upon passage and approval.

2. Sections 11 and 12 of this act become effective upon passage and approval for the purpose of appointing members to the motor vehicle repair advisory board and on July 1, 1995, for all other purposes, and expire by limitation on July 1, 1997.

3. Notwithstanding the provisions of this act, a garage is not required to be registered with the department of motor vehicles and public safety pursuant to the provisions of sections 2 to 10, inclusive, of this act, until January 1, 1996.".

Amend the title of the bill to read as follows:

"An Act relating to motor vehicles; requiring persons who operate garages that repair motor vehicles to register with the department of motor vehicles and public safety; creating a motor vehicle repair advisory board; requiring the consumer affairs division of the department of business and industry and the department of motor vehicles and public safety to cooperate to protect persons who use the services of garages; requiring the consumer affairs division to establish a toll-free telephone number for reporting violations by

a garageman and to establish a program to inform persons of the protections established; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires garages that repair motor vehicles to register with department of motor vehicles and public safety and creates motor vehicle repair advisory board. (BDR 43-9)".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 466.

Bill read second time.

The following amendment was proposed by Assemblymen Bache, de Braga, Freeman, Krenzer, Neighbors, Segerblom and Williams:

Amendment No. 1026.

Amend sec. 14, page 4, line 9, after "2." by inserting: "*The commission may establish not more than two additional bargaining units on a statewide basis using criteria of community of interests, desires of the employees, efficiency of governmental operations, employees' skills and functions and number of employees and classifications.*

3.".

Amend sec. 14, page 4, line 12, by deleting "*3.*" and inserting "*4.*".

Amend sec. 14, page 4, line 16, by deleting "*4.*" and inserting "*5.*".

Amend sec. 15, page 4, line 34, by deleting "*30*" and inserting "*20*".

Amend sec. 16, page 5, line 4, by deleting "*30*" and inserting "*20*".

Amend sec. 18, page 5, by deleting lines 47 and 48 and inserting: "*employees in the bargaining unit.*".

Amend sec. 22, page 7, by deleting lines 20 through 24.

Amend sec. 22, page 7, line 25, by deleting "*3.*" and inserting "*2.*".

Amend sec. 24, page 8, by deleting lines 20 and 21 and inserting: "*parties, a request for money necessary to carry*".

Amend sec. 24, page 8, by deleting lines 24 and 25 and inserting: "2. *Any other matter in a negotiated agreement*".

Amend sec. 24, page 8, by deleting line 28 and inserting: "*reach a final agreement,*".

Amend sec. 25, page 8, by deleting lines 37 through 43 and inserting:

"Sec. 25. (Deleted by amendment.)".

Amend sec. 30, page 10, line 10, by deleting "*25*" and inserting "*24*".

Amend sec. 32, page 10, line 31, by deleting "or award".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache and Ernaut.

Assemblymen Ernaut, Stroth and Marvel requested a roll call on Assemblyman Bache's motion.

Roll call on Assemblyman Bache's motion:

YEAS—21.

NAYS—Allard, Batten, Bennett, Braunlin, Brower, Carpenter, Close, Ernaut, Fettic, Harrington, Humke, Lambert, Marvel, Monaghan, Nolan, Sandoval, Steel, Stroth, Tiffany, Tripple, Mr. Speaker Hettrick—21.

The motion having failed to receive a majority, Mr. Speaker declared the amendment lost.

Assemblyman Marvel moved that Assembly Bill No. 466 be re-referred to the Committee on Ways and Means.

Motion carried on a division of the house.

Assembly Bill No. 517.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1120.

Amend the bill as a whole by deleting sections 1 through 9 and adding new sections designated sections 1 through 17, following the enacting clause, to read as follows:

"Section 1. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. When designing the forms required by NRS 294A.120 and 294A.200, the secretary of state shall consult with at least:

(a) One member of the state legislature;

(b) One county commissioner; and

(c) One county clerk in this state,

to ensure that the forms are clear and concise from a variety of perspectives.

2. Each form for reporting campaign contributions must include a category for reporting:

(a) The opening balance in the campaign fund at the beginning of the first period for which a report detailing campaign contributions is required; and

(b) The total amount of interest and income, after deducting any applicable charges, earned from the investment of money received from campaign contributions from the first period for which a report detailing campaign contributions is required. The secretary of state may design the form for campaign contributions in a manner which requires the candidate to account separately for the amount of interest and income, after deducting any applicable charges, earned during each specific period for which the reporting is required.

3. Each form for reporting campaign expenses must include a category of expenditures for each of the following:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Travel expenses;

(d) Expenses contracted for or made for advertising through each of the following media:

(1) Television;

(2) Newspaper;

(3) Radio;

(4) Billboards;

(5) Printed signs, posters, fliers, brochures; and

(6) Direct mail;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Services provided in kind for which money would otherwise have been paid; and

(j) Other miscellaneous expenses related to the campaign.

Sec. 2. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 [Committee]

1. Except as otherwise provided in subsection 2, committee for political action means [an] *:*

(a) An organization which receives contributions, makes contributions to candidates or other persons or makes expenditures designed to affect the outcome of any primary, general or special election or question on the ballot [.] *;*

(b) An organization formed for the purpose of circulating any petition provided for in this Title; or

(c) A committee sponsored by a political party.

2. The term does not include a committee for the recall of a public officer [.] *or a committee under the direction or control of a candidate which is organized for the purpose of ensuring his election.*

Sec. 3. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A natural person shall not make a contribution [or contributions] to a candidate for:

(a) A city, county, state or judicial office *, other than for the office of justice of the supreme court,* in a total amount which exceeds $2,000; or

(b) A statewide office *, including the office of justice of the supreme court,* in a total amount which exceeds $10,000,

during the period beginning on the day after the last general election for the office and ending on the day of the general election for that office.

2. A candidate shall not accept a contribution made in violation of subsection 1.

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

Sec. 4. NRS 294A.110 is hereby amended to read as follows:

294A.110 1. A person, other than a natural person, [political party or committee sponsored by a political party,] shall not make a contribution [or contributions] to a candidate for:

(a) A city, county, state or judicial office *, other than for the office of justice of the supreme court,* in a total amount which exceeds $10,000; or

(b) A statewide office *, including the office of justice of the supreme court,* in a total amount which exceeds $20,000,

during the period beginning on the day after the last general election for that office and ending on the day of the general election for that office.

2. A candidate shall not accept a contribution made in violation of subsection 1.

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

Sec. 5. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than:

(a) Fifteen days before the primary election, for the period from *30 days after* the last election for that office up to 20 days before the primary election;

(b) Fifteen days before the general election, whether or not the candidate won the primary election, for the period from 20 days before the primary election up to 20 days before the general election; and

(c) The 15th day of the second month after the general election, for the remaining period up to 30 days after the general election,

report the total amount of his campaign contributions on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

2. Except as otherwise provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Fifteen days before the special election, for the period from his nomination up to 20 days before the special election; and

(b) Thirty days after the special election, for the remaining period up to the special election,

report the total amount of his campaign contributions on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report the total amount of his campaign contributions on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury, 30 days after the special election, for the period from the filing of the notice of intent to circulate the petition for recall up to the special election.

4. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. Every county clerk who receives from candidates for [legislative or judicial office, except the office of justice of the peace or municipal judge,] *state office* reports of campaign contributions pursuant to subsection 2 shall file a copy of each report with the secretary of state within 10 working days after he receives the report.

6. Each contribution in excess of [$500] *$100* and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the first reporting period, must be separately identified with the name and address of the contributor and the date of the contribution , [or contributions,] tabulated and reported on the form provided by the secretary of state. *The total number of campaign contributions of $100 or less must also be reported on the form.*

7. Except as otherwise provided in this section, any candidate who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 6. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Except as otherwise provided in *this* subsection , [6,] every person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group and every committee for political action , *political party and committee sponsored by a political party* which makes an expenditure on behalf of a candidate or group of candidates *which is not solicited or approved by the candidate or group* shall, not later than:

(a) Fifteen days before a primary election or primary city election, for the period from 30 days after the last election for that office to 20 days before that election;

(b) Fifteen days before a general election or general city election, whether or not the candidate won the primary election or primary city election, for the period from 20 days before that election to 20 days before the general election or general city election; and

(c) The 15th day of the second month after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,

report the total amount of contributions received on the form designed and provided by the secretary of state and shall sign the report under penalty of perjury. *The provisions of this subsection do not apply to a campaign for federal office.*

2. The report of campaign contributions must identify each contribution in excess of [$500.] *$100.* Contributions which a contributor has made cumulatively in excess of [$500] *$100* since the beginning of the first reporting period must be separately identified with the name and address of the contributor and the date of the contribution , [or contributions] tabulated and reported on the form designed and provided by the secretary of state.

3. If the candidate is elected from one county, the reports must be filed with the county clerk of that county. If the candidate is elected from one city, the reports must be filed with the city clerk of that city. For all other candidates the reports must be filed with the secretary of state. A person may make his report to the appropriate officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

6. [The provisions of this section do not apply to a political party or committee sponsored by a political party.] *For the purposes of this section, "expenditure" does not include a campaign contribution made to a candidate or group of candidates that is required to submit a report pursuant to NRS 294A.120.*

Sec. 7. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at any election including any [recall or] special election shall, not later than:

(a) Fifteen days before a primary election or primary city election, for the period from [30 days after the last election for that office] *24 months before the election* to 20 days before [that] *the* election;

(b) Fifteen days before a general election or general city election [, whether or not the candidate won the primary election or primary city election,] for the period from 20 days before that election to 20 days before the general election or general city election; and

(c) The 15th day of the second month after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,

report the total amount of contributions received on the form designed and provided by the secretary of state and signed by the person or a representative of the group under penalty of perjury.

2. Each contribution in excess of [$500] *$100* and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the first reporting period, must be separately identified with the name and address of the contributor and the date of the contribution , [or contributions] tabulated and reported on the form provided by the secretary of state.

3. If the question is submitted to the voters of only one county, the reports must be filed with the county clerk of that county. If the question is submitted to the voters of only one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary of state. If the person or group of persons is advocating passage or defeat of a group of questions, the reports must be made to the officer appropriate for each question and must be itemized by question.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 8. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a campaign contribution for [his personal use.] *any activity or purpose which is primarily for the benefit of the candidate or a member of his family and does not directly further his campaign for office.*

2. Every candidate for a state, district, county, city or township office at a primary, general or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary, general or special election shall:

(a) Return the unspent money to contributors;

(b) Use the money in his next election or for the payment of other expenses related to public office or his campaign;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party;

(3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Dispose of the money in any combination of the methods provided in paragraphs (a) to (d), inclusive.

3. Every candidate for a state, district, county, city or township office at a primary, general or special election who is not elected to that office and received contributions that were not spent or committed for expenditure before the primary, general or special election shall, not later than the 15th day of the second month after his defeat:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party;

(3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);

(c) *Use the money in his next election or for the payment of other expenses related to his campaign;*

(d) Donate the money to any tax-exempt nonprofit entity; or

[(d)] *(e)* Dispose of the money in any combination of the methods provided in paragraphs (a) [, (b) and (c).] *to (d), inclusive.*

4. Every public officer who:

(a) Holds a state, district, county, city or township office;

(b) Does not run for reelection and is not a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

shall, not later than the 15th day of the second month after the expiration of his term of office, dispose of those contributions in the manner provided in subsection 3.

5. Any candidate or public officer who willfully violates any provision of this section is guilty of a misdemeanor. The court shall, in addition to any other penalty which may be imposed, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

6. For the purposes of this section, "contributions" include any interest and other income earned thereon.

Sec. 9. NRS 294A.180 is hereby amended to read as follows:

294A.180 1. Each candidate for a state, district, county, city or township office who is not elected to that office *or who withdraws his candidacy before the election,* shall, not later than the 15th day of the second month after [his defeat,] *the election,* file a report with the [secretary of state] *officer with whom he filed his declaration or acceptance of candidacy* stating the amount of contributions which he received for that campaign but did not spend, and the disposition of those unspent contributions.

2. Each public officer who is elected to a state, district, county, city or township office shall file a report with the [secretary of state:] *officer with whom he filed his declaration or acceptance of candidacy:*

(a) Not later than the 15th day of the second month after his election, stating the amount of campaign contributions which he received but did not spend, and the amount, if any, of those unspent contributions disposed of pursuant to [paragraph (a), (b) or (c) of] subsection 2 of NRS 294A.160;

(b) Not later than January 15th of each year of his term beginning the year after he filed the report required by paragraph (a), stating the amount, if any, of those unspent contributions disposed of pursuant to NRS 294A.160 during the period since his last report and the manner in which they were disposed of; and

(c) Not later than the 15th day of the second month after he no longer holds that office, stating the amount and disposition of any remaining unspent contributions.

3. The reports required by subsections 1 and 2 must be submitted on a form designed and provided by the secretary of state and signed by the candidate or public officer under penalty of perjury.

4. Except as otherwise provided in this section, any person who willfully violates any provision of this section is guilty of a misdemeanor.

Sec. 10. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than:

(a) Fifteen days before the primary election, for the period from 30 days after the last election for that office up to 20 days before the primary election;

(b) Fifteen days before the general election, whether or not the candidate won the primary election, for the period from 20 days before the primary election up to 20 days before the general election; and

(c) The 15th day of the second month after the general election, for the remaining period up to 30 days after the general election,

report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

2. Except as *otherwise* provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Fifteen days before the special election, for the period from his nomination up to 20 days before the special election; and

(b) Sixty days after the special election, for the remaining period up to 30 days after the special election,

report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury, 60 days after the special election, for the period from the filing of the notice of intent to circulate the petition for recall up to 30 days after the special election.

4. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. County clerks who receive from candidates for [legislative or judicial office, except the office of justice of the peace or municipal judge,] *state office* reports of campaign expenses pursuant to subsection 2 shall file a copy of each report with the secretary of state within 10 working days after he receives the report.

6. Except as otherwise provided in this section, any candidate who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 11. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. [Every] *Except as otherwise provided in this subsection, every* person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group [,] *and* every committee for political action, political party [or] *and* committee

sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates *which is not solicited or approved by the candidate or group,* shall, not later than:

(a) Fifteen days before a primary election or primary city election, for the period from 30 days after the last election for that office to 20 days before that election;

(b) Fifteen days before a general election or general city election, whether or not the candidate won the primary election or primary city election, for the period from 20 days before that election to 20 days before the general election or general city election; and

(c) The 15th day of the second month after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,

report the expenditures made on behalf of a candidate or group of candidates in excess of [$500] *$100* on forms designed and provided by the secretary of state and signed by the person or a representative of the group under penalty of perjury. The report must also include identification of expenditures which the person or group made cumulatively in excess of [$500] *$100* since the beginning of the first reporting period. *The provisions of this section do not apply to a campaign for federal office.*

2. Expenditures made within the state or made elsewhere but for use within the state, including expenditures made outside the state for printing, television and radio broadcasting or other production of the media, must be included in the report. Expenditures made to communicate with the group's own members on behalf of a candidate or group of candidates must not be included in the report.

3. If the candidate is elected from one county, the reports must be filed with the county clerk of that county. If the candidate is elected from one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary of state. If an expenditure is made on behalf of a group of candidates, the reports must be made to the officer appropriate for each candidate and itemized by the candidate. A person may make his report to the appropriate officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

5. [Except as otherwise provided in this section, any] *A* person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

6. As used in this section, "expenditure" does not include a campaign contribution made to a candidate or group of candidates that is subject to reporting pursuant to NRS 294A.120.

Sec. 12. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at any election , including [any recall or] *a* special election shall, not later than:

(a) Fifteen days before a primary election or primary city election, for the period from [30 days after the last election for that office] *24 months before the election* to 20 days before [that] *the* election;

(b) Fifteen days before a general election or general city election [whether or not the candidate won the primary election or primary city election,] for the period from 20 days before that election to 20 days before the general election or general city election; and

(c) The 15th day of the second month after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,

report expenditures made on behalf of or against a question or group of questions on the ballot in excess of [$500] *$100* on the form designed and provided by the secretary of state and signed by the person or a representative of the group under penalty of perjury. The report must also include the identification of expenditures which the person or group made cumulatively in excess of [$500] *$100* since the beginning of the first reporting period.

2. Expenditures made within the state or made elsewhere but for use within the state, including expenditures made outside the state for printing, television and radio broadcasting or other production of the media, must be included in the report. Expenditures made to communicate with the group's own members on behalf of or against a question or group of questions must not be included in the report.

3. If the question is submitted to the voters of only one county, the reports must be filed with the county clerk of that county. If the question is submitted to the voters of only one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary of state. If an expenditure is made on behalf of a group of questions, the reports must be made to the officer appropriate for each question and must be itemized by question. A person may make his report to the appropriate filing officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 13. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Each committee for political action shall, before it engages in any activity in this state, register with the secretary of state on forms supplied by him.

2. The form must require:

(a) The name of the committee;

(b) The purpose for which it was organized;

(c) The names and addresses of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name and address of each organization;

(e) The name and address of its resident agent; and

(f) Any other information deemed necessary by the secretary of state.

3. A committee for political action shall file with the secretary of state an amended form for registration within 30 days after any change in the information contained in the form for registration.

4. Each committee for political action which intends to cease operation permanently in this state shall file a notice of dissolution with the secretary of state on a form supplied by him. The filing of such a notice does not exempt the committee for political action from the reporting requirements of this chapter.

Sec. 14. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in subsection 2, each committee for the recall of a public officer shall, not later than:

(a) Fifteen days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall up to 20 days before the special election; and

(b) Thirty days after the election, for the remaining period up to the election,

report each contribution received or made by the committee in excess of [$500] *$100* on a form provided by the secretary of state and signed under the penalty for perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received or made by the committee in excess of [$500.] *$100.*

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall up to the day the court determines that an election will not be held, report each contribution received or made by the committee in excess of [$500.] *$100.*

4. Each report of contributions must be filed with the secretary of state. The committee may mail the report by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. Each contribution, whether from or to a natural person, association or corporation, in excess of [$500,] *$100,* and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the first reporting period, must be separately identified with the name and address of the contributor or person to whom the contribution was given and the date of the contribution , [or contributions,] tabulated and reported on the form provided by the secretary of state.

6. Any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 15. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Fifteen days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall up to 20 days before the special election; and

(b) Thirty days after the election, for the remaining period up to the election,

report each expenditure made by the committee in excess of [$500] *$100* on a form provided by the secretary of state and signed under the penalty for perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee in excess of [$500.] *$100.*

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall up to the day the court determines that an election will not be held, report each expenditure made by the committee in excess of [$500.] *$100.*

4. The report must also include identification of expenditures which the committee for the recall of a public officer made cumulatively in excess of [$500] *$100* since the beginning of the first reporting period.

5. Each report of expenditures must be filed with the secretary of state. The committee may mail the report by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

6. Any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 16. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. Every candidate for city office where the general city election is preceded by a primary city election shall file the reports in the manner required by NRS 294A.120, 294A.200 and 294A.350 for other offices not later than:

(a) Fifteen days before the primary city election, for the period from 30 days after the last election for that office up to 20 days before the primary city election;

(b) Fifteen days before the general city election, whether or not the candidate won the primary city election, for the period from 20 days before the primary city election up to 20 days before the general city election; and

(c) The 15th day of the second month after the general city election, for the remaining period up to 30 days after the general city election.

2. Every candidate for city office where there is no primary city election shall so file those reports:

(a) Twenty days before the general city election, for the period from 30 days after the last election for that office up to 30 days before the general city election; and

(b) The 15th day of the second month after the general city election, for the remaining period up to 30 days after the general city election.

3. The [city clerk] *secretary of state* shall design [the] *a standard* form for each report a candidate for city office is required to file pursuant to NRS 294A.120 and 294A.200. [The] *A* city clerk [shall submit] *may make such changes to the form as are necessary to comply with local ordinances and rules if he submits* the *amended* form to the secretary of state for approval. The city clerk shall not use such a form until it is approved.

Sec. 17. NRS 294A.400 is hereby amended to read as follows:

294A.400 The secretary of state shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of [$500] *$100* and the total campaign expenses of each of the candidates for legislative and judicial offices from whom reports of those contributions and expenses are required.

2. The contributions made to a committee for the recall of a public officer in excess of [$500.] *$100.*

3. The expenditures exceeding [$500] *$100* made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

4. The contributions in excess of [$500] *$100* made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action which makes an expenditure on behalf of a candidate or group of candidates.".

Amend the title of the bill to read as follows:

"An Act relating to campaign practices; revising various provisions relating to the reporting of campaign contributions and expenses; requiring the forms for reporting campaign expenses to include certain categories of expenditures; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "forms for".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Segerblom, Bennett and Ernaut.

Assemblyman Bache requested that the following remarks be entered in the Journal.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. This is a fairly simple piece of legislation; noncontroversial, I'm sure. I will briefly go through about 10 changes that have been made.

It sets the standards for redesigning the forms by requiring that the Secretary of State seek input from a member of the legislature, county commissioner or county clerk as the changes are made to the form. It further defines a committee for political action. It clarifies that the supreme court candidates are capped at $10,000 for contribution. It lowers the candidates campaign threshold from $500 to $100. It requires caucuses and political parties to report contributions received in the amount of $100 or over. It adds further clarification as to how a candidate may spend their contributions. It adds another section as to how candidates can contribute leftover contributions. It changes the dates of withdrawal from office from city elections. It requires notice to be filed for dissolution of a pact. It makes state changes for final contribution forms.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. This is my simple little bill that all of you signed for changing the form to report campaign expenses and contributions. You know we needed this, as the dates weren't right and the forms weren't correct. This has now turned into a 24-page amendment.

ASSEMBLYMAN BENNETT:

Thank you, Mr. Speaker. To my colleague from Assembly District No. 9, is this retroactive?

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. To you and through you to my colleague. No, but I will expand on the clarification.

What we attempted to do in the Elections and Procedures Committee was to streamline five major bills so only certain sections were contained within a bill. Assemblywoman Segerblom graciously allowed us to be able to take the language from the Secretary of State's bill, and put it into her bill so that we had lined up everything that deals with NRS 294A. Anything that deals with NRS 293 is in another bill that we will amend later. This will not only make it easier for us to debate, but will also make it easier for the Senate to process.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. To you and through you to my colleague from Assembly District No. 9. I would like to know the rationale that the committee used for lowering the threshold from $500 to $100?

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. To you and through you, basically, the testimony given by the Secretary of State was to "open up the doors" as far as campaign reporting goes.

I, personally, support going to zero on all thresholds, as it levels the playing field. I think some of the discussions were that it's proper, in this day and age, to begin to note who is contributing to whom and to hold the same standard for political parties and caucuses.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. With all due respect to my colleague from Assembly District No. 9, I think that may be more of a romantic note than a reality. I think that in the practical political reality of lowering thresholds from $500 to $100, you will ensure that every incumbent in this body out spends their challenger or out races their challenger five-to-one.

It is a very simple rationale. If lobbyists and special interest groups do not want to be on their challenger's reporting list, they will give them $100; whereas, they will still give the

incumbent $500. I think the practical reality of this, is that this is an incumbent's bill. I think it is distorted from what it is supposed to be. I would like to have another answer to that.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. First, I am in a romantic mood, as today is my eighth wedding anniversary. Secondly, I would be happy to entertain a motion to amend this to zero, and therefore, you truly do level the playing field. I do not see lowering the threshold as a pro-incumbency issue. Personally, I think we should have everything open so everybody has "sunshine." However, I don't see this as protection for incumbency. I think it is a step in the right direction, but we just did not go far enough.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I still have another question for my colleague from Assembly District No. 9. I can understand the rationale of many of these and I can understand the caucuses. The one which I'm having a hard time grasping is, why we would open up the actual political parties?

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. In leveling the playing field, the question and testimony that was brought before the committee dealt with some candidates who at times, the parties will do something for unbeknownst to them. So, we protected that part of the section. If something is done unsolicited by a candidate, on behalf of the party, the party would have to report that. But in many instances, you will have political parties do mailings and brochures with full knowledge by the candidates. That is, therefore, an expenditure and contribution on their behalf and should be reported.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. To you and through you to my colleague from Assembly District No. 9. Isn't that, right now, handled within our reporting guides? If you do that, don't you have to report it as in kind or as pass through?

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. No. We have to report, and that part is still contained within this legislation. Basically, the purpose of this section is the expenditure does not include a campaign contribution made to a candidate. I would disclose as a candidate, not the caucus. However, if the caucuses or the political action committee does something on behalf of the candidate then they will report that expenditure.

Assemblyman Ernaut moved that Assembly Bill No. 517 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 545.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 996.

Amend the bill as a whole by renumbering section 1 as sec. 10 and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. Chapter 632 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *The legislature hereby declares that the practice of nursing is a learned profession affecting the safety, health and welfare of the public and is subject to regulation to protect the public from the practice of nursing by unqualified and unlicensed persons and from unprofessional conduct by*

persons licensed to practice nursing. The legislature further declares that the purpose of the state board of nursing is to regulate the practice of nursing and to enforce the provisions of this chapter.

Sec. 3. *In addition to any other penalty:*

1. The board may issue a citation to a person who violates the provisions of NRS 632.130.

2. A citation issued pursuant to subsection 1 must be in writing and describe with particularity the nature of the violation. The citation also must inform the person of the provisions of subsection 5. A separate citation must be issued for each violation.

3. If appropriate, the citation must contain an order of abatement of the violation.

4. The board shall assess an administrative fine of:

(a) For the first violation, $2,500.

(b) For the second violation, $5,000.

(c) For the third or subsequent violation, $10,000.

5. To appeal the finding of a violation of NRS 632.130, the person must request a hearing by written notice of appeal to the board within 30 days after the date of issuance of the citation.

Sec. 4. *1. In addition to the advisory committee on nursing assistants created by NRS 632.072, the board may appoint such other advisory committees as it deems appropriate.*

2. The members of any advisory committee appointed pursuant to subsection 1 are not entitled to be paid a salary or to receive per diem allowances for conducting the business of the advisory committee, but the board may authorize reimbursement for the actual expenses incurred by a member for traveling to and from a meeting of the advisory committee.

Sec. 5. *1. The board may authorize a nursing assistant to perform certain acts in addition to basic nursing services if the nursing assistant complies with the regulations adopted by the board pursuant to subsection 2.*

2. The board shall adopt regulations specifying the requirements that a nursing assistant must satisfy to obtain authorization to perform additional acts pursuant to this section.

Sec. 6. *1. The board may place any condition, limitation or restriction on any license or certificate issued pursuant to this chapter if the board determines that such action is necessary to protect the public health, safety or welfare.*

2. The board shall not report any condition, limitation or restriction placed on a license or certificate issued pursuant to this section to the National Council of State Boards of Nursing Disciplinary Data Bank or any other repository which records disciplinary action taken against licensees or holders of certificates, unless the licensee or holder of the certificate fails to comply with the condition, limitation or restriction placed on the license or certificate. The board may, upon request, report any such information to an agency of another state which regulates the practice of nursing.

3. The board may modify any condition, limitation or restriction placed on a license or certificate issued pursuant to this section if the board determines it is necessary to protect the public health, safety or welfare.

4. Any condition, limitation or restriction placed on a license or certificate issued pursuant to this section shall not be deemed to be disciplinary action taken pursuant to NRS 632.325.

Sec. 7. *An applicant for a license or certificate shall submit to the board a complete set of his fingerprints and written permission authorizing the board to forward those fingerprints to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation for its report.*

Sec. 8. NRS 632.030 is hereby amended to read as follows:

632.030 1. The governor shall appoint:

(a) [Four] *Five* registered nurses who are graduates of an accredited school of nursing, are licensed as professional nurses in the State of Nevada and have been actively engaged in nursing for at least 5 years preceding the appointment.

(b) [Two practical nurses who are graduates] *One practical nurse who is a graduate* of an accredited school of practical nursing, [are] *is* licensed as *a* practical [nurses] *nurse* in this state and [have] *has* been actively engaged in nursing for at least 5 years preceding the appointment.

(c) One member who is a representative of the general public.

2. Each member of the board must be:

(a) A citizen of the United States; and

(b) A resident of the State of Nevada [.] *who has resided in this state for not less than 2 years.*

3. A representative of the general public may not:

(a) Have a fiduciary obligation to a hospital or other health agency;

(b) Have a material financial interest in the rendering of health services; or

(c) Be employed in the administration of health activities or the performance of health services.

4. *The members appointed to the board pursuant to paragraphs (a) and (b) of subsection 1 must be selected to provide the broadest representation of the various activities, responsibilities and types of service within the practice of nursing and related areas, which may include, without limitation, experience:*

(a) In administration.

(b) In education.

(c) As an advanced practitioner of nursing.

(d) In an agency or clinic whose primary purpose is to provide medical assistance to persons of low and moderate incomes.

(e) In a licensed medical facility.

5. Each member of the board shall serve a term of 4 years. If a vacancy occurs during a member's term, the governor shall appoint a person qualified under this section to replace that member for the remainder of the unexpired term.

6. No member of the board may serve more than two consecutive terms. For the purposes of this subsection, service of 2 or more years in filling an unexpired term constitutes a term.

Sec. 9. NRS 632.130 is hereby amended to read as follows:

632.130 1. For the purposes of safeguarding life and health and maintaining high professional standards among [professional] nurses in this state, any person who for compensation practices or offers to practice [professional] nursing in this state [shall hereafter be required to] *must* submit evidence that he is qualified [so] to practice and [shall] *must* be licensed as provided in this chapter.

2. [It is unlawful for any person:

(a) To practice or to offer] *Any person who:*

(a) Practices or offers to practice [professional] nursing in this state or [to use] *uses* any title, abbreviation, sign, card or device to indicate that he is practicing [professional] nursing in this state unless [such] *that* person has been [duly licensed under] *licensed pursuant to* the provisions of this chapter [.

(b) Who does] *; or*

(b) Does not hold a valid and subsisting license to practice [as a professional nurse] *nursing* issued pursuant to the provisions of this chapter [to practice or offer] *who practices or offers* to practice in this state as a registered nurse, *licensed practical nurse,* graduate nurse, [a] trained nurse, [a] certified nurse or under any other title or designation suggesting [professional] *that he possesses* qualifications and skill in the field of nursing [.] , *is guilty of a gross misdemeanor.*

3. The executive director may, on behalf of the board, issue an order to cease and desist to any person who is practicing nursing without a license issued pursuant to the provisions of this chapter.

4. The executive director shall forward to the appropriate law enforcement agency any information submitted to the board concerning a person who is practicing nursing without a license issued pursuant to the provisions of this chapter.".

Amend the bill as a whole by adding new sections designated sections 11 through 27 and the leadlines of repealed sections, following section 1, to read as follows:

"Sec. 11. NRS 632.2862 is hereby amended to read as follows:

632.2862 1. The following persons shall report *in writing* to the *executive director of the* board any conduct [by a nursing assistant which constitutes grounds for the denial, suspension or revocation of a certificate:

(a) Every] *of a licensee or holder of a certificate which constitutes a violation of the provisions of this chapter:*

(a) Any physician, dentist, dental hygienist, chiropractor, optometrist, podiatric physician, medical examiner, resident, intern, professional or practical nurse, *nursing assistant,* physician's assistant, psychiatrist, psychologist, marriage and family therapist, alcohol or drug abuse counselor,

driver of an ambulance, advanced emergency medical technician or other person providing medical services licensed or certified to practice in this state.

(b) Any personnel of a medical facility or facility for the dependent engaged in the admission, examination, care or treatment of persons or an administrator, manager or other person in charge of a medical facility or facility for the dependent upon notification by a member of the staff of the facility.

(c) A coroner.

(d) [Every clergyman, unless he acquired the knowledge of the conduct from the offender during a confession.

(e) Every] *Any* person who maintains or is employed by an agency to provide nursing in the home.

[(f) Every attorney, unless he has acquired the knowledge of the conduct from a client who has been or may be accused of the conduct.

(g)] *(e)* Any employee of the [welfare or aging services division of the] department of human resources.

[(h)] *(f)* Any employee of a law enforcement agency or a county's office for protective services or an adult or juvenile probation officer.

[(i)] *(g)* Any person who maintains or is employed by a facility or establishment that provides care for older persons.

[(j)] *(h)* Any person who maintains, is employed by or serves as a volunteer for an agency or service which advises persons regarding the abuse, neglect or exploitation of an older person and refers them to persons and agencies where their requests and needs can be met.

[(k) Every]

(i) Any social worker.

2. [Every physician who, as a member of the staff of a medical facility or facility for the dependent, has reason to believe that a nursing assistant has engaged in conduct which constitutes grounds for the denial, suspension or revocation of a certificate shall notify the superintendent, manager or other person in charge of the facility. The superintendent, manager or other person in charge shall make a report as required in subsection 1.] *The clerk of each district court shall notify the board of any person who holds a license or certificate issued pursuant to this chapter who is adjudicated mentally incompetent or is found guilty of:*

(a) A felony or gross misdemeanor;

(b) Any offense relating to a dangerous drug as defined in NRS 454.201 or a controlled substance;

(c) Violating the provisions of NRS 484.379; or

(d) Abuse or fraud in connection with any program which provides medical assistance.

3. A report may be filed by any other person.

4. Any person who in good faith reports any violation of the provisions of this chapter to the executive director of the board pursuant to this section is immune from civil liability for reporting the violation.

Sec. 12. NRS 632.310 is hereby amended to read as follows:

632.310 1. The board may, upon its own motion, and shall, upon the verified complaint in writing of any person, if the complaint alone or together with evidence, documentary or otherwise, presented in connection therewith, [makes out a prima facie case,] *is sufficient to require an investigation,* investigate the actions of any licensee *or holder of a certificate* or any person who assumes to act as a licensee *or holder of a certificate* within the State of Nevada.

2. The executive director may, upon receipt of information from a governmental agency, conduct an investigation to determine whether the information [represents a prima facie case] *is sufficient to require an investigation* for referral to the board for its consideration.

Sec. 13. NRS 632.320 is hereby amended to read as follows:

632.320 The board may deny, revoke or suspend any license *or certificate* applied for or issued pursuant to this chapter, or take other disciplinary action against a licensee [,] *or holder of a certificate,* upon determining that he:

1. Is guilty of fraud or deceit in procuring or attempting to procure a license *or certificate* pursuant to this chapter.

2. Is guilty of a felony or any offense [involving] *:*

(a) Involving moral turpitude [,] *; or*

(b) Substantially related to the qualifications, functions or duties of a licensee or holder of a certificate,

in which case the record of conviction is conclusive evidence thereof.

3. Has been convicted of violating any of the provisions of NRS 616.630, 616.635, 616.640 or 616.675 to 616.700, inclusive.

4. Is unfit or incompetent by reason of gross negligence or recklessness in carrying out usual nursing functions.

5. [Is habitually intemperate or is addicted to the use of any controlled substance.] *Uses any controlled substance, dangerous drug as defined in chapter 454 of NRS, or intoxicating liquor to an extent or in a manner which is dangerous or injurious to any other person or which impairs his ability to conduct the practice authorized by his license or certificate.*

6. Is mentally incompetent.

7. Is guilty of unprofessional conduct, which includes , but is not limited to , the following:

(a) Conviction of practicing medicine without a license in violation of chapter 630 of NRS, in which case the record of conviction is conclusive evidence thereof.

(b) [Procuring, or aiding, abetting, attempting, agreeing or offering to procure or assist at, a criminal abortion.

(c)] Impersonating any applicant or acting as proxy for an applicant in any examination required pursuant to this chapter for the issuance of a license [.

(d)] *or certificate.*

(c) Impersonating another licensed practitioner [.

(e)] *or holder of a certificate.*

(d) Permitting or allowing another person to use his *license or* certificate [for the purpose of nursing the sick or afflicted.

(f)] *to practice as a licensed practical nurse, registered nurse or nursing assistant.*

(e) Repeated malpractice, which may be evidenced by claims of malpractice settled against him.

(f) Physical, verbal or psychological abuse of a patient.

(g) Conviction for the use or unlawful possession of a controlled substance or dangerous drug as defined in chapter 454 of NRS.

8. Has willfully or repeatedly violated the provisions of this chapter. The voluntary surrender of a license *or certificate* issued pursuant to this chapter is prima facie evidence that the licensee *or certificate holder* has committed or expects to commit a violation of this chapter.

9. Is guilty of aiding or abetting [anyone] *any person* in a violation of this chapter.

10. Has falsified an entry on a patient's medical chart concerning a controlled substance.

11. Has falsified information which was given to a physician, pharmacist , *podiatric physician* or dentist to obtain a controlled substance.

12. Has [had] *been disciplined in another state in connection with* a license to practice nursing [suspended or revoked in another jurisdiction. A certified copy of the order of suspension or revocation is prima facie evidence of the suspension or revocation.] *or a certificate to practice as a nursing assistant or has committed an act in another state which would constitute a violation of this chapter.*

13. Has engaged in conduct likely to deceive, defraud or endanger a patient or the general public.

14. Has willfully failed to comply with a regulation, subpoena or order of the board.

For the purposes of this section, a plea or verdict of guilty or a plea of nolo contendere constitutes a conviction of an offense. The board may take disciplinary action pending the appeal of a conviction and regardless of any other order entered pursuant to NRS 176.225 dismissing an indictment or information.

Sec. 14. NRS 632.325 is hereby amended to read as follows:

632.325 1. If the board determines that a licensee *or holder of a certificate* has committed any of the acts set forth in NRS 632.320, it may take any one or more of the following disciplinary actions:

(a) [Deny, suspend or revoke his license.

(b)] Place conditions, limitations or restrictions on his license [.

(c)] *or certificate.*

(b) Impose and collect an administrative fine of not more than $5,000.

[(d)] *(c)* Require the licensee *or holder of a certificate* to pay all costs incurred by the board relating to the discipline of the licensee [.] *or holder of a certificate.*

(d) Reprimand the licensee or holder of a certificate.

(e) Accept the voluntary surrender of a license or certificate in lieu of imposing any other disciplinary action set forth in this subsection.

2. If the board determines that:

(a) A person whose license *or certificate* is suspended or voluntarily surrendered, or has been placed on an inactive list pursuant to NRS 632.341, has committed, during the period his license *or certificate* was valid, inactive or would have been valid if not for the suspension or surrender; or

(b) An applicant for the renewal or reinstatement of a license *or certificate* has committed, at any time after the most recent renewal of his license *or certificate* or the issuance of his original license *or certificate* if it has not been renewed,

any of the acts set forth in NRS 632.320, the board may take any one or more of the disciplinary actions set forth in subsection 1.

Sec. 15. NRS 632.330 is hereby amended to read as follows:

632.330 [After the revocation of any license by the board as provided in this chapter, no new license may be issued to the same licensee within a period of 1 year from and after the date of revocation, nor at any time thereafter except in the sole discretion of the board.] *The board may adopt regulations which prescribe the period during which a licensee or holder of a certificate may not apply for the reissuance of his license or certificate after that license or certificate is revoked.*

Sec. 16. NRS 632.340 is hereby amended to read as follows:

632.340 [None of the provisions of NRS 632.130 or 632.260 may be construed as prohibiting:] *The provisions of NRS 632.130 do not prohibit:*

1. Gratuitous nursing by friends or by members of the family of a patient.

2. The incidental care of the sick by domestic servants or persons primarily employed as housekeepers as long as they do not practice nursing within the meaning of this chapter.

3. Nursing assistance in the case of an emergency.

4. The practice of nursing by students enrolled in accredited schools of [professional or practical nursing,] *nursing* or by graduates of [such] *those* schools or courses pending the results of the first licensing examination scheduled by the board following graduation. A student or graduate may not work as a nursing assistant unless he is certified to practice as a nursing assistant pursuant to the provisions of this chapter.

5. The practice of nursing in this state by any legally qualified nurse *or nursing assistant* of another state whose engagement requires him to accompany and care for a patient temporarily residing in this state during the period of one such engagement, not to exceed 6 months [in length, provided] *, if* the person does not represent or hold himself out as a nurse licensed to practice in this state [.] *or as a nursing assistant who holds a certificate to practice in this state.*

6. The practice of any legally qualified nurse of another state who is employed by the United States Government or any bureau, division or agency thereof, while in the discharge of his official duties in this state.

7. Nonmedical nursing for the care of the sick, with or without compensation, [when] *if* done by the adherents of, or in connection with, the practice of the religious tenets of any well-recognized church or religious denomination, [so long as such] *if that* nursing does not amount to the practice of practical or professional nursing as defined in NRS 632.017 and 632.018, respectively.

Sec. 17. NRS 632.3425 is hereby amended to read as follows:

632.3425 A suspended *license or* certificate is subject to expiration and must be renewed as provided in NRS 632.342. Renewal does not entitle the *licensee or* nursing assistant to engage in activity which requires *licensure or* certification until the completion of the suspension.

Sec. 18. NRS 632.355 is hereby amended to read as follows:

632.355 The board may delegate its authority to conduct hearings pursuant to NRS 632.350 concerning the discipline of a *licensee or* holder of a certificate to a hearing officer. The hearing officer has the powers of the board in connection with the hearings, and shall report [back] to the board with findings of fact and conclusions of law within 30 days after the final hearing on the matter. The board may take action based upon the report of the hearing officer, refer the matter [back] to the hearing officer for further hearings [,] or conduct its own hearings on the matter.

Sec. 19. NRS 632.360 is hereby amended to read as follows:

632.360 1. The board or any [member thereof] *person designated by the board* may certify to all official acts and issue subpoenas for attendance of witnesses and the production of books and papers.

2. In any *investigation or* hearing in any part of the state the process issued by the board extends to all parts of the state and may be served by any person authorized to serve process of courts of record [.] *or by certified mail to the last known address of the witness.*

3. The person serving the process is entitled to receive the compensation allowed by the board, which must not exceed the fees prescribed by law for similar services. [Fees must be paid in the same manner as provided in this chapter for the payment of the fees of witnesses.]

Sec. 20. NRS 632.400 is hereby amended to read as follows:

632.400 1. The board shall render a decision on any complaint within 60 days after the final hearing thereon. For the purposes of this subsection, the final hearing on a matter delegated to a hearing officer pursuant to NRS 632.355 is the final hearing conducted by the hearing officer unless the board conducts a hearing with regard to the complaint.

2. The board shall [give immediate notice in writing of the ruling or decision to:

(a) The applicant, licensee or holder of the certificate affected thereby.

(b) The party or parties by whom the complaint was made where the investigation or hearing was instituted by a complaint.

Written notice must be given by registered or certified mail addressed to the last known address of the applicant, licensee or holder of the certificate and party by whom the complaint was made.

3. If the ruling is to the prejudice of, or injuriously affects, the licensee or holder of the certificate, the board shall also state in the notice the date upon which the ruling or the decision becomes effective, which date must not be less than 30 days from and after the date of the notice.

4. The decision of the board does not take effect until 30 days after its date, and if notice of appeal and a demand for the transcript are served upon the board in accordance with the provisions of this chapter, then the stay remains in force and effect until the decision of the district court after hearing the appeal. If the aggrieved party fails to perfect his appeal, the stay automatically terminates.] *notify the person of its decision in writing by certified mail, return receipt requested. The decision of the board becomes effective on the date the person receives the notice or on the date the board receives a return by the United States Postal Service stating that the person refused to accept delivery or could not be located.*

Sec. 21. NRS 632.490 is hereby amended to read as follows:

632.490 1. The board shall cause the prosecution of all persons violating the provisions of this chapter.

2. The board, or any [member thereof,] *person designated by the board,* may prefer a complaint for violation of NRS 632.130 [or 632.260] before any court of competent jurisdiction, and it may take the necessary legal steps through the proper legal officers of this state to enforce the provisions thereof.

Sec. 22. NRS 632.500 is hereby amended to read as follows:

632.500 1. [Any] *Unless a greater penalty is provided by a specific statute, any* person violating any of the provisions of this chapter is guilty of a misdemeanor.

2. A court of competent jurisdiction has full power to try any violations of this chapter, and upon conviction may, at its discretion, revoke the license or certificate of the person so convicted, in addition to imposing the other penalties provided in this chapter.

Sec. 23. NRS 179A.100 is hereby amended to read as follows:

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

(a) Any which reflect records of conviction only; and

(b) Any which pertain to an incident for which a person is currently within the system of criminal justice, including parole or probation.

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

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

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

(c) Reported to the central repository.

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

(a) Reflect convictions only; or

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

4. The central repository shall disseminate to a prospective or current employer, upon request, information relating to sexual offenses concerning an employee, prospective employee, volunteer or prospective volunteer who gives his written consent to the release of that information.

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

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

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

(c) The state gaming control board.

(d) *The state board of nursing.*

(e) The private investigator's licensing board to investigate an applicant for a license.

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

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

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

[(h)] *(i)* Any public utility subject to the jurisdiction of the public service commission of Nevada when the information is necessary to conduct a security investigation of an employee or prospective employee, or to protect the public health, safety or welfare.

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

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

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

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

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

[(n)] *(o)* The division of child and family services of the department of human resources and any county agency that is operated pursuant to NRS 432B.325 or authorized by a court of competent jurisdiction to receive and investigate reports of abuse or neglect of children and which provides or arranges for protective services for such children.

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

Sec. 24. NRS 632.075, 632.260, 632.323, 632.370 and 632.420 are hereby repealed.

Sec. 25. 1. Notwithstanding the amendatory provisions of section 8 of this act, the terms of the members of the state board of nursing who are incumbent on October 1, 1995, continue until the expiration of the terms for which they were appointed.

2. The governor shall comply with NRS 632.030, as amended by this act in filling all vacancies which occur on or after October 1, 1995, and all appointments to the state board of nursing made after that date must be for terms of 4 years.

Sec. 26. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.

Sec. 27. Section 23 of this act becomes effective at 12:01 a.m. on October 1, 1995.

LEADLINES OF REPEALED SECTIONS

632.075 Advisory council on continuing education for nurses: Appointment; number of members; duties.

632.260 Practicing or offering to practice without license unlawful.

632.323 Grounds for denial, revocation or suspension of certificate or other disciplinary action.

632.370 Fees and mileage of witnesses.

632.420 Review of board's decision by certiorari.".

Amend the title of the bill to read as follows:

"An Act relating to nursing; increasing the penalty for the unlicensed practice of nursing; authorizing the issuance of citations for the unauthorized practice of nursing; authorizing the state board of nursing to place any condition, limitation or restriction on a license or certificate under certain conditions; authorizing the board to appoint advisory committees; authorizing nursing assistants to perform acts in addition to basic nursing services under certain circumstances; revising the provisions governing the appointment of the members of the board; requiring the reporting of certain conduct

of a licensee or holder of a certificate to the board; requiring certain records of criminal history to be disseminated to the board; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes concerning state board of nursing and practice of nursing. (BDR 54-1855)".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Assemblyman Spitler moved that Assembly Bill No. 545 be re-referred to the Committee on Commerce.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Commerce.

Assembly Bill No. 560.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 937.

Amend section 1, page 1, line 14, by deleting "*the prosecuting*" and inserting "*any other*".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 575.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1044.

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

"Section 1. NRS 159.117 is hereby amended to read as follows:

159.117 1. Upon approval of the court by order, a guardian of the estate may:

(a) Invest the property of the ward, make loans and accept security therefor, in the manner and to the extent authorized by the court.

(b) Exercise options of the ward to purchase or exchange securities or other property.

2. A guardian of the estate may, without securing the prior approval of the court, invest the property of the ward in the following:

(a) Savings accounts in any bank or savings and loan association in this state, to the extent that such deposits are insured by the Federal Deposit Insurance Corporation.

(b) Interest-bearing obligations of or fully guaranteed by the United States.

(c) Interest-bearing obligations of the United States Postal Service.

(d) Interest-bearing obligations of the Federal National Mortgage Association.

(e) Interest-bearing general obligations of this state.

(f) Interest-bearing general obligations of any county, city or school district of this state.

(g) Money market mutual funds which are invested only in those instruments listed in paragraphs (a) to (f), inclusive.

3. A guardian of the estate for two or more wards may invest the property of two or more of the wards in property in which each ward whose property is so invested has an undivided interest. The guardian shall keep a separate record showing the interest of each ward in the investment and in the income, profits or proceeds therefrom.".

Amend the title of the bill to read as follows:

"An Act relating to guardianships; allowing a guardian of the estate of a ward to invest the property of the ward in certain money market mutual funds; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Allows guardian of estate to invest property of ward in certain money market mutual funds. (BDR 13-1740)".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 598.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 935.

Amend section 1, page 1, line 3, after "may," by inserting: "*if good cause is shown and*".

Amend section 1, page 1, by deleting lines 7 through 9 and inserting:

"*(b) The* attorney general [, the district attorney of the county, the] ;

(c) The prosecuting attorney;

(d) An investigating officer, after he has testified as a prosecuting witness and his cross-examination has been completed;".

Amend the title of the bill, second line, after "authorizing" by inserting: ", upon good cause shown,".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 616.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 780.

Amend section 1, page 1, line 2, by deleting: "2 to 10, inclusive," and inserting: "2, 3 and 4".

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

"Sec. 2. *1. Except as otherwise provided in subsection 2, before requesting a consumer report for a purpose relating to the employment of a consumer, the employer or prospective employer shall notify the consumer in writing. The notice must contain:*

(a) A statement indicating the reporting agency from which the report will be requested and that the employer or prospective employer intends to use the report; and

(b) A box or other clearly marked area wherein the consumer may respond to the notice and indicate whether he wishes to receive a copy of the report.

If the consumer indicates in the written response that he wishes to receive a copy of the report, the employer or prospective employer shall, when requesting the report, request that a copy of the report be provided to the consumer. The reporting agency shall, within 2 business days after receiving the request, mail a copy of the report to the consumer. The report must be provided to the consumer free of charge.

2. The provisions of subsection 1 do not apply to a consumer who is currently employed and has received the notification required in subsection 1 in an employees' manual.".

Amend the bill as a whole by renumbering sections 4 and 5 as sections 3 and 4.

Amend sec. 4, page 2, line 22, by deleting "*report*" and inserting "*file*".

Amend sec. 4, page 2, by deleting lines 25 and 26 and inserting: "*the agency for such a transaction. The system must include the establishment of at least one toll-free telephone number for use by consumers.*".

Amend the bill as a whole by deleting sections 6 through 12 and renumbering sections 13 through 18 as sections 5 through 10.

Amend sec. 13, page 6, by deleting lines 28 through 48 on page 6 and lines 1 and 2 on page 7 and inserting:

"598C.120 A person shall not procure a consumer report to resell [or disclose the report or the information contained in] the report unless the person discloses to the reporting agency which originally furnished the report:

1. The identity of the intended ultimate user of the report or information; and

2. The only purposes for which the information will be used.".

Amend sec. 14, page 7, by deleting lines 4 through 35 and inserting:

"598C.130 Upon request and information sufficient to identify a consumer, a reporting agency shall:

1. Clearly and accurately disclose to the consumer the nature and substance of the [consumer report in its files] *information contained in the consumer's file* which relates to him at the time of the request, and disclose the names of the institutional sources of information. If the consumer requests, the reporting agency shall provide a readable copy of the [consumer report.] *consumer's file.*

2. Disclose the name of each person who has received from the reporting agency *credit* information concerning him:

(a) Within the preceding 2 years for purposes of employment, promotion, reassignment or retention as an employee; or

(b) Within the preceding 6 months for any other purpose.".

Amend sec. 15, page 7, line 37, by deleting "*8,*" and inserting "*6,*".

Amend sec. 15, page 7, by deleting lines 42 and 43 and inserting: "sources of the information and, [as soon as is reasonably possible but not later than 30 days,] *within 30 days after becoming aware of the dispute,* complete a reinvestigation of the *completeness and* accuracy of".

Amend sec. 15, page 8, by deleting lines 4 through 9 and inserting: "*agency. The notice must include the reasons for concluding that the dispute is frivolous or irrelevant.*".

Amend sec. 15, page 8, line 16, by deleting: "*consumer report based upon*" and inserting "*copy of*".

Amend sec. 15, page 8, line 18, by deleting "*report*" and inserting "*file*".

Amend sec. 15, page 8, line 22, by deleting "*name, business*" and inserting "*business name,*".

Amend sec. 15, page 8, line 32, after "No" by inserting "*credit*".

Amend sec. 15, page 8, by deleting lines 35 and 36 and inserting: "ensure the maximum possible accuracy of the information; and".

Amend sec. 15, pages 8 and 9, by deleting lines 40 through 47 on page 8 and lines 1 and 2 on page 9.

Amend sec. 15, page 9, line 3, by deleting "*8.*" and inserting "*6.*".

Amend sec. 15, page 9, by deleting lines 6 through 10 and inserting: "*agency promptly notifies the consumer by telephone of the deletion.*".

Amend sec. 16, page 9, by deleting line 18 and inserting:

"[3.] *(c)* Inform him of his right to obtain a copy of the [consumer report] *information contained in his file*".

Amend the title of the bill to read as follows:

"An Act relating to consumer reporting; requiring that written notification be provided to a consumer before a consumer report relating to the employment of the consumer may be requested; providing certain exceptions; establishing certain requirements for furnishing a consumer report in connection with a credit transaction which is not initiated by the consumer; revising the procedures required to be taken when a consumer disputes the completeness or accuracy of information in the files of a reporting agency; expanding the statutory remedies that are available to a consumer; and providing other matters properly relating thereto.".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 618.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1119.

Amend section 1, page 1, line 2, by deleting: "2 and 3" and inserting: "2, 3 and 3.5".

Amend sec. 3, page 1, line 6, by deleting: "*of the second or third class*".

Amend the bill as a whole by adding a new section designated sec. 3.5, following sec. 3, to read as follows:

"Sec. 3.5. *1. A registered voter may submit a written request to the county clerk to have his address withheld from any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440 and 293.557.*

2. After the county clerk receives a request from a registered voter pursuant to subsection 1, the person's address must be withheld from any such list.

3. No information other than the address of a registered voter may be withheld from a list of registered voters.".

Amend sec. 8, page 3, line 16, by deleting "*March*" and inserting "*May*".

Amend sec. 8, page 3, line 17, by deleting "last Friday" and inserting: "[last Friday] *first Tuesday*".

Amend sec. 8, page 3, by deleting line 28 and inserting: "[Wednesday in July.] *Tuesday in June.*".

Amend sec. 10, page 4, line 6, by deleting "March" and inserting "[March] *May*".

Amend sec. 11, page 6, line 10, by deleting "*second*" and inserting "*third*".

Amend the bill as a whole by adding new sections designated sections 13.3 through 13.7, following sec. 13, to read as follows:

"Sec. 13.3. NRS 293.200 is hereby amended to read as follows:

293.200 1. An independent candidate for partisan office must file with the proper filing officer:

(a) A copy of the petition of candidacy that he intends to circulate for signatures. The copy must be filed before the petition may be circulated.

(b) A petition of candidacy signed by a number of registered voters equal to at least 1 percent of the total number of ballots cast in the state or in the county or district electing that officer at the last preceding general election in which a person was elected to that office.

2. The petition may consist of more than one document. Each document must bear the name of the county in which it was circulated and only registered voters of that county may sign the document. The person who circulates the document must be a registered voter of that county. If the office is a district office, only the registered voters of that district may sign the document. The documents which are circulated for signature in a county must be submitted to that county clerk for verification in the manner prescribed in NRS 293.1276 to 293.1279, inclusive, not later than 40 days before filing the petition of candidacy with the proper filing officer. Each signer shall add to his signature the address of the place at which he actually resides, the date that he signs the petition and the name of the county where

he is registered to vote for the purpose of determining whether he is a registered voter. The person who circulates each document of the petition shall sign an affidavit attesting that the signatures on the document are genuine to the best of his knowledge and belief and were signed in his presence by persons registered to vote in that county.

3. The petition of candidacy may state the principle, if any, which the person qualified represents.

4. Petitions of candidacy must be filed not earlier than the first Tuesday in March preceding the general election and not later than 5 p.m. on the third Tuesday in August.

5. No petition of candidacy may contain the name of more than one candidate for each office to be filled.

6. A person may not file as an independent candidate if he is proposing to run as the candidate of a political party.

7. The names of independent candidates must be placed on the general election ballot and must not appear on the primary election ballot.

8. If the candidacy of any person seeking to qualify pursuant to this section is challenged, all affidavits and documents in support of the challenge must be filed not later than 5 p.m. on the fourth Tuesday in August. Any judicial proceeding resulting from the challenge must be set for hearing not more than 5 days after the fourth Tuesday in August.

9. Any challenge pursuant to subsection 8 must be filed with:

(a) The first judicial district court if the petition of candidacy was filed with the secretary of state.

(b) The district court for the county where the petition of candidacy was filed if the petition was filed with a county clerk.

10. An independent candidate for partisan office must file a declaration of candidacy with the proper filing officer and pay the fee required by NRS 293.193 not earlier than the first Tuesday in [March] *May* of the year in which the election is held nor later than 5 p.m. of the first [Wednesday in July.] *Tuesday in June.*

Sec. 13.5. NRS 293.202 is hereby amended to read as follows:

293.202 [Any]

1. Except as otherwise provided in subsection 2, any withdrawal of candidacy for office must be in writing and must be presented by the candidate in person, within 7 days after the last day for filing, to the officer whose duty it is to receive filings for candidacy for that office.

2. A withdrawal of candidacy for city office must be in writing and must be presented by the candidate in person, within 2 days after the last day for filing, to the officer whose duty it is to receive filings for candidacy for that office.

Sec. 13.7. NRS 293.207 is hereby amended to read as follows:

293.207 1. Election precincts must be established on the basis of the number of registered voters therein, with a maximum of [600] *1,000* registered voters per precinct in those precincts in which paper ballots are used, or a maximum of [1,500] *2,000* registered voters per precinct in those precincts in which a mechanical voting system is used.

2. The county clerk may consolidate two or more contiguous election precincts into a single voting district to conduct a particular election as public convenience, necessity and economy may require.".

Amend the bill as a whole by adding a new section designated sec. 15.5, following sec. 15, to read as follows:

"Sec. 15.5. NRS 293.301 is hereby amended to read as follows:

293.301 1. The county clerk of each county shall require an election board officer [or officers] to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county. [The] *Except as otherwise provided in section 3.5 of this act, the* alphabetical listing must include the name, address and political affiliation of each voter. [At the end of each hour that] *Not less than four times during the hours in which* the polling place is open, [up to and including 6 p.m.,] an election board officer shall identify the name of each voter that voted [during the previous hour.] *since the last identification.*

2. Each page of the alphabetical listing must contain a notice which reads substantially as follows:

It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to subsection 1 of NRS 293.301.

3. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, address or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.".

Amend sec. 16, page 8, line 38, by deleting: "ready for distribution" and inserting: "[ready for distribution] *distributed*".

Amend sec. 16, page 8, line 40, by deleting "20" and inserting "[20] *14*".

Amend the bill as a whole by adding a new section designated sec. 17.5, following sec. 17, to read as follows:

"Sec. 17.5. NRS 293.345 is hereby amended to read as follows:

293.345 1. The county clerk shall mail to each registered voter in each mailing precinct and in each absent ballot mailing precinct, [before 5 p.m. on the third Thursday in August and before 5 p.m. on the fourth Tuesday in October of any year in which a general election is to be held,] *14 days before each primary election or general election,* an official mailing ballot to be voted by him at [the] *that* election.

2. The city clerk shall mail to each registered voter in each mailing precinct and in each absent ballot mailing precinct, [before 5 p.m. on the third Thursday in April and before 5 p.m. on the fourth Tuesday in May of any year in which a general city election is to be held,] *14 days before each primary city election or general city election,* an official mailing ballot to be voted by him at [the] *that* election.".

Amend the bill as a whole by deleting sections 18 through 22 and inserting:

"Secs. 18-22. (Deleted by amendment.)".

Amend sec. 24, page 13, line 1, by deleting "The" and inserting: "[The] *Except as otherwise provided in section 3.5 of this act, the*".

Amend sec. 24, page 13, by deleting lines 28 through 30.

Amend the bill as a whole by adding new sections designated sections 25.2 through 25.9, following sec. 25, to read as follows:

"Sec. 25.2. NRS 293.518 is hereby amended to read as follows:

293.518 1. At the time an elector registers to vote he must indicate:

(a) His political party affiliation; or

(b) That he is not affiliated with a political party.

An elector who indicates that he is "independent" shall be deemed not affiliated with a political party.

2. If an elector indicates that he is not affiliated with a political party, *or that he is independent,* the county clerk or field registrar of voters shall list the elector's political party as nonpartisan.

3. If an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the secretary of state, the county clerk or field registrar of voters shall list the elector's political party as indicated by the elector.

4. If an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the secretary of state, the county clerk or field registrar of voters shall:

(a) List the elector's political party as the party indicated in the affidavit of registration.

(b) When compiling data related to voter registration for the county, report the elector's political party as "other party."

Sec. 25.4. NRS 293.557 is hereby amended to read as follows:

293.557 1. The county clerk [shall] *may*cause to be published once in each of the newspapers circulated in different parts of the county a list of all registered voters within the circulation area of each newspaper, or cause to be published once in a newspaper circulated in the county an alphabetical listing of all registered voters, including the precinct of each voter, for the entire county:

(a) Not less than 2 weeks before the close of registration for any primary election.

(b) After each primary election and not less than 2 weeks before the close of registration for the ensuing general election.

2. The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

3. [The] *If the* list of registered voters *is published, it* must not be printed in type smaller than six-point.

Sec. 25.6. NRS 293.620 is hereby amended to read as follows:

293.620 1. A primary city election must be held in each city of the first class, and in each city of the second class which has so provided by ordinance, on the first Tuesday after the first Monday in [May] *April* of

every year in which a general city election is to be held, at which time there must be nominated candidates for offices to be voted for at the next general city election.

2. A candidate for any office to be voted for at the primary city election must file an affidavit of candidacy with the city clerk not less than [30] *45* nor more than [40] *55* days before the date of the primary election. The city clerk shall charge and collect from the candidate and the candidate shall pay to the city clerk, at the time of filing the affidavit of candidacy, a filing fee in an amount fixed by the city council by ordinance. All filing fees so collected by the city clerk must be deposited to the credit of the general fund of the city.

3. All candidates, except as otherwise provided in NRS 266.220, must be voted upon by the electors of the city at large.

4. If in the primary city election one candidate receives more than a majority of votes cast in that election for the office for which he is a candidate , his name alone must be placed on the ballot for the general city election. If in the primary city election no candidate receives a majority of votes cast in that election for the office for which he is a candidate, the names of the two candidates receiving the highest number of votes must be placed on the ballot for the general city election.

Sec. 25.8. NRS 293.640 is hereby amended to read as follows:

293.640 1. A general city election must be held in each city of the third class on the [1st] *first* Tuesday after the [1st] *first* Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter as determined by ordinance.

2. There must be one mayor and three or five councilmen, as the city council shall provide by ordinance, for each city of the third class. The terms of office of the mayor and the councilmen are 4 years, which terms must be staggered. The mayor and councilmen elected to office immediately after incorporation shall decide by lot among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years. If a city council thereafter increases the number of councilmen, it shall, by lot, stagger the initial terms of the additional members.

3. A candidate for any office to be voted for at the general city election must file an affidavit of candidacy with the city clerk not less than [30] *45* nor more than [40] *55* days before the day of the general city election. The city clerk shall charge and collect from the candidate and the candidate shall pay to the city clerk, at the time of filing the affidavit of candidacy, a filing fee in an amount fixed by the city council by ordinance.

4. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for councilmen must be voted upon by the electors of their respective wards to represent the wards in which they reside, or by the electors of the city at large to represent the wards in which they reside, in accordance with the provisions of chapter 266 of NRS.

Sec. 25.9. NRS 293.700 is hereby amended to read as follows:

293.700 *1.* Any person who bribes, offers to bribe, or uses any other corrupt means, directly or indirectly, to influence any elector in giving his vote or to deter him from giving it shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years, or by a fine of not more than $5,000, or by both fine and imprisonment.

2. This section does not prohibit a person from distributing nonpartisan promotional items to persons who vote in an election so long as:

(a) The item is not intended to influence a person to vote or to deter a person from voting for or against a particular person or issue on the ballot.

(b) The item does not carry any partisan representations on it.

(c) Any person may obtain the item regardless of how he voted in the election.

(d) A person is not required to disclose how he voted in the election as a condition to obtaining the item.".

Amend the bill as a whole by deleting sections 30 through 46 and inserting:

"Secs. 30-46. (Deleted by amendment.)".

Amend sec. 50, page 28, by deleting line 21 and inserting: "for registration from [9] *7* a.m. until [9] *7*p.m. on [each of three Wednesdays next] *the Wednesday immediately*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 646.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 933.

Amend sec. 3, page 3, line 33, after "6." by inserting: "The court may, at the request of the district attorney, expedite the date for any adjudicatory hearing involving acts committed against a child less than 16 years of age or involving acts witnessed by a child less than 16 years of age. In making a ruling, the court may consider the effect a delay in the commencement of the hearing might have on the mental or emotional health or well-being of the child.

7.".

Amend sec. 3, page 3, line 39, by deleting "7." and inserting "8.".

Amend sec. 3, page 3, line 41, after "disposition." by inserting: "If the hearing involves acts committed against a child less than 16 years of age or involving acts witnessed by a child less than 16 years of age, the court may consider any adverse effect a continuance or other postponement might have upon the mental or emotional health or well-being of the child. The court may deny a continuance or other postponement if the delay will adversely affect the mental or emotional health or well-being of the child.".

Amend sec. 3, page 3, line 43, by deleting "of the" and inserting "of any".

Amend sec. 3, page 3, line 44, by deleting "8." and inserting "9.".

Amend sec. 3, page 4, line 1, by deleting "9." and inserting "10.".

Amend sec. 3, page 4, line 3, by deleting "*10,*" and inserting "*11,*".

Amend sec. 3, page 4, line 5, by deleting "10." and inserting "11.".

Amend sec. 3, page 4, between lines 14 and 15, by inserting: "*An extension of time for final disposition of a case granted pursuant to this subsection must not exceed 1 year from the date of filing the petition.*".

Amend sec. 3, page 4, line 15, by deleting "*11.*" and inserting "*12.*".

Amend sec. 4, page 4, line 23 by deleting: "*The district attorney may issue subpoenas*" and inserting "*Subpoenas*".

Amend sec. 4, page 4, line 26, by deleting the period and inserting: "*may be issued pursuant to NRS 174.315 and 174.335.*".

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that all rules be suspended and that Assembly Bills Nos. 580, 606 be immediately transmitted to the Senate.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 647.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1040.

Amend sec. 2, page 1, line 3, before "*A*" by inserting "*1.*".

Amend sec. 2, page 1, line 7, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 2, page 1, line 8, by deleting "*30 days;*" and inserting "*1 year;*".

Amend sec. 2, page 1, line 9, by deleting "2." and inserting "*(b)*".

Amend sec. 2, page 1, line 11, by deleting "*3.*" and inserting "*(c)*".

Amend sec. 2, page 1, line 13, by deleting "*4.*" and inserting "*(d)*".

Amend sec. 2, page 1, between lines 15 and 16, by inserting:

"2. *As used in this section, "chronic medical condition" means an illness or injury which requires continual medical attention.*".

Amend sec. 3, pages 1 and 2, by deleting lines 16 through 19 on page 1 and lines 1 through 3 on page 2, and inserting:

"Sec. 3. *1. A health maintenance organization shall enter into a contract with a supplier of durable medical equipment for use in the home who is not a supplier under its health care plan for the limited purpose of providing such equipment and services related to the equipment if:*

(a) The supplier has provided the equipment and services related to the equipment to the enrollee for not less than 1 year;

(b) The supplier is qualified under the laws of this state to provide such equipment and services;

(c) The equipment is necessary for the health of an enrollee and has been prescribed by a physician;

(d) Provision of the equipment is covered under the plan;

(e) The enrollee submits a written request to the health maintenance organization for continued coverage of such equipment and services from that supplier;

(f) The supplier agrees to the rates, terms and conditions established for other suppliers of similar equipment; and

(g) None of the suppliers who have contracted with the organization have available the necessary equipment.

2. *As used in this section, "durable medical equipment for use in the home" means medical equipment which is appropriate for use in a person's home for a prolonged period and which is useful only to a person who is sick or injured.*".

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "organization to enter into a contract with a supplier of durable medical equipment for use in the home under certain circumstances; and".

Amend the summary of the bill, first line, by deleting "supplies" and inserting "medical equipment".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Assemblyman Spitler moved that Assembly Bill No. 647 be re-referred to the Committee on Commerce.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Commerce.

Assembly Bill No. 667.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 889.

Amend the bill as a whole by renumbering section 1 as sec. 4 and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 645.170 is hereby amended to read as follows:

645.170 1. The *director shall designate the location of the* principal office of the real estate division . [shall be at Carson City, Nevada.] *The administrator shall conduct business primarily in the principal office of the real estate division.*

2. *If the principal office of the real estate division is located in:*

(a) The southern district of Nevada created pursuant to subsection 3 of NRS 645.100, the real estate division shall establish at least one branch office in the northern district of Nevada created pursuant to subsection 4 of NRS 645.100.

(b) The northern district of Nevada, the real estate division shall establish at least one branch office in the southern district of Nevada.

3. The real estate division may designate other convenient places within the state for the establishment of branch offices.

Sec. 2. NRS 645.330 is hereby amended to read as follows:

645.330 1. [The] *Except as otherwise provided by specific statute, the* division may approve an application for a license for a person who meets all the following requirements:

(a) Has a good reputation for honesty, trustworthiness and integrity and who offers proof of those qualifications satisfactory to the division.

(b) [Has not been convicted of, or entered a plea of guilty or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any crime involving moral turpitude in any court of competent jurisdiction in the United States or elsewhere. The untrustworthiness of an applicant and a conviction of a crime listed in this subsection may be sufficient ground for refusal of a license. The division may deny a license to any person who has been convicted of engaging in a real estate business without a license.

(c)] Has not made a false statement of material fact on his application.

[(d)] *(c)* Is competent to transact the business of a real estate broker, broker-salesman or salesman in a manner which will safeguard the interests of the public.

[(e)] *(d)* Has passed the examination.

2. *The division:*

(a) May deny a license to any person who has been convicted of, or entered a plea of guilty or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, engaging in a real estate business without a license, possessing for the purpose of sale any controlled substance or any crime involving moral turpitude, in any court of competent jurisdiction in the United States or elsewhere; and

(b) Shall not issue a license to such a person until at least 3 years after:

(1) The person pays any fine or restitution ordered by the court; or

(2) The expiration of the period of the person's parole, probation or sentence,

whichever is later.

3. Suspension or revocation of a license pursuant to this chapter or any prior revocation or current suspension in this or any other state, district or territory of the United States or any foreign country within 10 years before the date of the application is grounds for refusal to grant a license.

[3.] *4.* A person may not be licensed as a real estate broker unless he has been actively engaged as a full-time licensed real estate broker-salesman or salesman in this state, or actively engaged as a full-time licensed real estate broker, broker-salesman or salesman in another state or the District of Columbia, for at least 2 of the 4 years immediately preceding the issuance of a broker's license.

Sec. 3. NRS 645.475 is hereby amended to read as follows:

645.475 1. An applicant for a real estate broker's license may take the written examination before he has complied with the experience requirements of subsection [3] *4* of NRS 645.330 , [;] but the division shall not approve the issuance of a broker's license until all the requirements of this chapter are met.

2. An applicant, pursuant to subsection 1, who passes the broker's examination must be issued a broker-salesman's license. The applicant may be issued a broker's license upon:

(a) Making proper application to the division; and

(b) Satisfying the experience requirements of subsection [3] *4* of NRS 645.330.".

Amend the bill as a whole by renumbering sec. 2 as sec. 7 and adding new sections designated sections 5 and 6, following section 1, to read as follows:

"Sec. 5. NRS 645C.340 is hereby amended to read as follows:

645C.340 1. *Each application for an examination for a certificate or license must be accompanied by the fees established by the division pursuant to subsection 2 of NRS 645C.450.*

2. The examination must test the applicant on his knowledge and understanding of:

(a) Subjects applicable to the type of certificate or license for which he is applying; and

(b) Laws regarding the practice of preparing and communicating appraisals, including the provisions of this chapter and any regulations adopted pursuant thereto.

[2.] *3.* The division may hire a professional testing organization to create, administer or score the examination.

Sec. 6. NRS 645C.450 is hereby amended to read as follows:

645C.450 *1.* The following fees may be charged and collected by the division:

Application for a certificate, license or registration card	$100
[Examination for a certificate or license	100]
Issuance or renewal of a certificate or license as a residential appraiser	250
Issuance or renewal of a certificate as a general appraiser	350
Issuance of a permit	75
Issuance or renewal of a registration card	150
Issuance of a duplicate certificate or license for an additional office	50
Change in the name or location of a business	10
Reinstatement of an inactive certificate or license	10
Annual approval of a course of instruction offered in preparation for an initial certificate or license	100
Annual approval of a course of instruction offered for continuing education	50

2. The division shall adopt regulations which establish the fees to be charged and collected by the division for:

(a) The examination for a certificate or license; and

(b) Any additional expenses which are necessary for the administration of the examination.".

Amend sec. 2, page 1, line 16, after "2." by inserting: "*The real estate division of the department of business and industry shall, each calendar quarter, publish and distribute to each title insurer, title agent and escrow officer licensed by the commissioner, a list of the qualified intermediaries registered pursuant to NRS 645.606 to 645.6085, inclusive. For the purposes of subsection 1, the registration of a qualified intermediary may be verified by ascertaining whether his name appears on the list most recently published pursuant to this subsection or, if his name does not appear on that list, by contacting the real estate division.*

3.".

Amend the bill as a whole by deleting sec. 3 and adding new sections designated sections 8 and 9, following sec. 2, to read as follows:

"Sec. 8. The real estate division of the department of business and industry shall adopt the regulations required by section 6 of this act in a timely manner to ensure that those regulations become effective on October 1, 1995.

Sec. 9. 1. This section and sections 1 through 4, inclusive, 7 and 8 of this act become effective upon passage and approval.

2. Section 6 of this act becomes effective upon passage and approval for the purpose of adopting regulations, and on October 1, 1995, for all other purposes.

3. Section 5 of this act becomes effective on October 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to real estate; requiring the designation of a location for the principal office of the real estate division of the department of business and industry; requiring the real estate division to establish a branch office; prohibiting the issuance of certain licenses to persons convicted of certain crimes during a period after their conviction; requiring the adoption of regulations establishing fees for the examination of appraisers; requiring title insurers, title agents and escrow officers to verify that a qualified intermediary is registered with the real estate division before engaging in a real estate transaction in which the qualified intermediary is involved; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises certain provisions regarding regulation of sellers and appraisers of real estate and requires verification of registration of qualified intermediaries in certain real estate transactions. (BDR 54-1461)".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Assemblyman Spitler moved that Assembly Bill No. 667 be re-referred to the Committee on Commerce.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Commerce.

Assembly Joint Resolution No. 41.

Resolution read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1137.

Amend the resolution, page 2, line 32, by deleting "the Rural" and inserting "Rural".

Amend the resolution, page 2, line 33, by deleting "related agencies" and inserting "Related Agencies".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Resolution ordered reprinted, engrossed and to third reading.

Senate Bill No. 135.

Bill read second time and ordered to third reading.

Senate Bill No. 136.

Bill read second time and ordered to third reading.

Senate Bill No. 223.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1109.

Amend the bill as a whole by renumbering sec. 5 as sec. 6 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. 1. There is hereby appropriated from the state general fund to the division of water resources of the state department of conservation and natural resources the sum of $190,900 to be expended for the following purposes:

(a) For repairs to the outlet channel, abutment and access road at South Fork Dam; and

(b) For removal of debris, recontouring of dike crests and the surrounding channel, construction of a gaging station upstream of the dam on the south fork of the Humboldt River and equipment for the gaging station.

2. The division of water resources of the state department of conservation and natural resources is hereby authorized to accept any federal matching money available to offset the cost to the state general fund of expenses incurred by the division for the repair and construction of, and equipment for, the gaging station upstream of the dam on the south fork of the Humboldt River.

3. Any remaining balance of the appropriation made by subsection 1 of this section must not be committed for expenditure after June 30, 1997, and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend the title of the bill to read as follows:

"An Act relating to state financial administration; creating an account for the channel clearance, surveying and monumenting program; authorizing restoration of the balance in the account from the contingency fund; autho-

rizing the payment of certain obligations arising from remedial actions relating to a dam from the reserve for statutory contingency account; making appropriations; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting the period and inserting: "and making an appropriation for certain repairs and equipment related to South Fork Dam.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 298.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1005.

Amend the bill as a whole renumbering sections 1 and 2 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 630 of NRS is hereby amended by adding thereto a new section to read as follows:

The board shall by regulation define the term "intractable pain" for the purposes of NRS 630.3066 and 633.521.

Sec. 2. NRS 630.020 is hereby amended to read as follows:

630.020 "Practice of medicine" means:

1. To diagnose, treat, correct, prevent or prescribe for any human disease, ailment, injury, infirmity, deformity or other condition, physical or mental, by any means or instrumentality.

2. To apply principles or techniques of medical science in the diagnosis or the prevention of any such conditions.

3. *To perform any of the acts described in subsections 1 and 2 by using equipment that transfers information concerning the medical condition of the patient electronically, telephonically or by fiber optics to the person performing those acts, whether or not that person is located in this state or in another state.*

4. To offer, undertake, attempt to do or hold oneself out as able to do any of the acts described in subsections 1 and 2.

[4.] *5.* To use in connection with a person's name the words or letters "M.D.," or any other title, word, letter or other designation intended to imply or designate him as a practitioner of medicine in any of its branches, except in the manner authorized by NRS 630A.220.".

Amend the title of the bill, third line, after "pain;" by inserting: "revising the definition of "practice of medicine";".

Assemblyman Fettic moved the adoption of the amendment.

Remarks by Assemblyman Fettic.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 332.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 922.

Amend section 1, page 2, by deleting lines 1 through 7 and inserting:

"*6. Based solely upon the results of a survey of a dealer's customers conducted by or on behalf of a motor vehicle manufacturer which is intended or otherwise purports to measure the performance of a dealer:*

(a) Discriminate, directly or indirectly, against a dealer; or

(b) Take any action to terminate a dealer's franchise.

This subsection does not prohibit a motor vehicle manufacturer, distributor, fac-".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 377.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 894.

Amend the bill as a whole by adding new sections designated sections 5 through 7, following sec. 4, to read as follows:

"Sec. 5. NRS 483.345 is hereby amended to read as follows:

483.345 [1. Except as otherwise provided in subsection 2, the] *The* number of any driver's license issued or renewed by the department after October 1, [1989,] *1995,* must be a unique number [formulated by using the social security number of the licensee as a basis for the number.

2. If the licensee does not have a social security number, the department shall assign a unique number.

3. The department shall:

(a) Upon request, convert the number of a license from the licensee's social security number to a unique number based upon it; and

(b) Upon surrender of the outstanding license, issue a license which contains the new number.] *randomly selected by the department.*

Sec. 6. NRS 483.410 is hereby amended to read as follows:

483.410 1. Except as otherwise provided in subsection [6,] *5,* for every driver's license, including a motorcycle driver's license, issued and service performed the following fees must be charged:

A license issued to a person 65 years of age or older	$14
An original license issued to any other person	19
A renewal license issued to any other person	19
Reinstatement of a license after suspension, revocation or cancellation except a revocation for a violation of NRS 484.379 or 484.3795 or pursuant to NRS 484.384 and 484.385	40

Reinstatement of a license after revocation for a violation of NRS 484.379 or 484.3795 or pursuant to NRS 484.384 and 484.385..... 65
A new photograph, change of name, change of address or any combination..... 5
A duplicate license..... 14

2. For every motorcycle endorsement to a driver's license a fee of $5 must be charged.

3. [If no other change is requested or required, the department shall not charge a fee to convert the number of a license from the licensee's social security number to a unique number based upon it.

4.] The increase in fees authorized by NRS 483.347 and the fee charged pursuant to NRS 483.415 must be paid in addition to the fees charged pursuant to subsections 1 and 2.

[5.] *4.* A penalty of $10 must be paid by each person renewing his license after it has expired for a period of 30 days or more as provided in NRS 483.386 unless he is exempt pursuant to that section.

[6.] *5.* The department may not charge a fee for the reinstatement of a driver's license that has been:

(a) Voluntarily surrendered for medical reasons; or

(b) Canceled pursuant to NRS 483.310.

[7.] *6.* All fees and penalties are payable to the administrator at the time a license or a renewal license is issued.

[8.] *7.* Except as otherwise provided in NRS 483.415, all money collected by the department pursuant to this chapter must be deposited in the state treasury for credit to the motor vehicle fund.

Sec. 7. 1. Before October 1, 1999, the department of motor vehicles and public safety shall:

(a) Upon the request of a licensee, convert the number of his driver's license from a number based on his social security number to a unique number randomly selected by the department; and

(b) Upon surrender of the outstanding license, issue a license which contains the new number.

2. If no other change is requested or required, the department shall not charge a fee to convert the number of the driver's license from a number based upon the licensee's social security number to a unique number randomly selected by the department.".

Amend the title of the bill, sixth line, after "stolen;" by inserting: "requiring the department to use unique numbers randomly selected for drivers' licenses;".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions relating to licensing and registration of certain vehicles and assignment of numbers for drivers' licenses. (BDR 43-567)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 524.
Bill read second time and ordered to third reading.

Senate Bill No. 525.
Bill read second time and ordered to third reading.

Senate Bill No. 527.
Bill read second time and ordered to third reading.

Senate Bill No. 528.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 20.
Resolution read second time and ordered to third reading.

Assembly Bill No. 290.
Bill read second time.
The following amendment was proposed by Assemblyman Harrington:
Amendment No. 1142.
Amend section 1, page 1, line 12, after "requirements a" by inserting "*secondary*".
Amend section 1, page 1, by deleting lines 20 through 24 and inserting: "*cause shown, the superintendent of the school district or his designee, may allow renewal of the endorsement upon the completion of 3 semester hours in any other field of specialization.*

(5) Setting forth the qualifications and requirements for obtaining a license or endorsement to teach American Sign Language.".
Amend the title of the bill, second line, after "that a" by inserting "secondary".
Assemblyman Harrington moved the adoption of the amendment.
Remarks by Assemblyman Harrington.
Amendment adopted.
Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 291.
Bill read second time.
The following amendment was proposed by Assemblyman Harrington:
Amendment No. 1143.
Amend section 1, page 1, by deleting lines 5 through 19 and inserting: "*may issue a conditional secondary license to teach to a person who possesses a baccalaureate or higher degree but has not completed all courses of study required for a secondary license to teach in this state, if:*

(a) The superintendent, after consultation with local school districts, determines that a need exists for the issuance of a conditional secondary license to teach in the subject area in which the applicant possesses a baccalaureate or higher degree; and

(b) The applicant has completed at least 15 semester hours of credit in educational courses of study required for a secondary license to teach in this state, which must include course work that will prepare him to teach in the subject area in which he possesses a baccalaureate or higher degree.

2. A person who is issued a conditional secondary license in accordance with regulations adopted pursuant to this section:

(a) Must have successfully completed 3 years of work experience in his field; and

(b) May teach only in the subject area in which his baccalaureate or higher degree was granted.

3. A conditional secondary license issued in accordance with regulations adopted".

Amend sec. 2, pages 1 and 2, by deleting line 23 on page 1 and lines 1 through 4 on page 2, and inserting: "sion shall:

(a) Consider and may adopt regulations which provide for the issuance of conditional licenses to teachers and other educational personnel before completion of all courses of study or other requirements for a license in this state.

(b) Adopt regulations which provide for the reciprocal licensure of educational personnel from other states.".

Amend sec. 3, page 2, line 9, after "effective" by inserting: "at 12:01 a.m.".

Amend the title of the bill, first line, after "conditional" by inserting "secondary".

Assemblyman Harrington moved the adoption of the amendment.

Remarks by Assemblyman Harrington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Joint Resolution No. 42.

Resolution read second time, ordered engrossed and to third reading.

Senate Bill No. 261.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 23.

Resolution read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Elections and Procedures, to which was referred Assembly Bill No. 695, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and return to Concurrent Committee on Elections and Procedures.

JACK D. CLOSE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Close moved that Assembly Bill No. 695 be placed on the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 16.

Assemblyman Allard moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 78.

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

Motion carried.

Senate Bill No. 88.

Assemblyman Allard moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 133.

Assemblyman Allard moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 214.

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

Motion carried.

Senate Bill No. 322.

Assemblyman Allard moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 403.

Assemblyman Allard moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 420.

Assemblyman Allard moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 433.

Assemblyman Allard moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 435.

Assemblyman Allard moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 442.

Assemblyman Allard moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 443.

Assemblyman Allard moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 462.

Assemblyman Allard moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 470.

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

Motion carried.

Senate Bill No. 562.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Bill No. 517 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 695.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1129.

Amend the bill as a whole by deleting sections 1 through 44 and inserting new sections designated sections 1 through 61, following the enacting clause, to read as follows:

"Section 1. Chapter 293 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 6, inclusive, of this act.

Sec. 2. *"Presidential preference primary election" means the election held pursuant to section 35 of this act.*

Sec. 3. *Early voting by personal appearance for a presidential preference primary election may be conducted only at the office of the county clerk.*

Sec. 4. *The provisions of NRS 293.217 to 293.255, inclusive, do not apply to a presidential preference primary election.*

Sec. 5. *The provisions of NRS 293.343 to 293.355, inclusive, do not apply to a presidential preference primary election.*

Sec. 6. *The provisions of NRS 293.363 to 293.397, inclusive, do not apply to a presidential preference primary election.*

Sec. 7. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this Title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and section 2 of this act,* have the meanings ascribed to them in those sections.

Sec. 8. NRS 293.128 is hereby amended to read as follows:

293.128 1. To qualify as a major political party any organization must, under a common name:

(a) On January 1 preceding any primary election [,] *or September 1 of the year preceding the year in which a presidential preference primary election is held,* have been designated as a political party on the affidavits of registration of at least 10 percent of the total number of registered voters in the state; or

(b) File a petition with the secretary of state not later than the last Friday in April before any primary election *or not later than January 1 preceding a presidential preference primary election,* signed by a number of registered voters equal to or more than 10 percent of the total number of votes cast at the last preceding general election for Representative in Congress.

2. If a petition is filed pursuant to paragraph (b) of subsection 1, the names of the voters need not all be on one document, but each document of the petition must be verified by at least one of its signers to the effect that the signers are registered voters of the state according to his best information and belief and that the signatures are genuine and were signed in his presence. Each document of the petition must bear the name of a county and only registered voters of that county may sign the document. The documents which are circulated for signature must then be submitted for verification pursuant to NRS 293.1276 to 293.1279, inclusive, not later than 65 days before the last Friday in April preceding a primary election [.] *or 65 days before January 1 preceding a presidential preference primary election.*

3. In addition to the requirements set forth in subsection 1, each organization which wishes to qualify as a political party must file with the secretary of state a certificate of existence which includes the:

(a) Name of the political party;

(b) Names and addresses of its officers;

(c) Names of the members of its executive committee; and

(d) Name of the person who is authorized by the party to act as resident agent in this state.

4. A political party shall file with the secretary of state an amended certificate of existence within 5 days after any change in the information contained in the certificate.

Sec. 9. NRS 293.163 is hereby amended to read as follows:

293.163 1. In presidential election years, on the call of a national party convention, [but] *only* one set of party conventions and [but] *only* one state convention [shall] *must* be held on such respective dates and at such places as the state central committee of the party shall designate. If no earlier dates are fixed, the state convention [shall] *must* be held 30 days [prior to] *before*

the date set for the national convention and the county conventions [shall] *must* be held 60 days [prior to] *before* the date set for the national convention.

2. Delegates to [such conventions shall] *the conventions must* be selected in the same manner as prescribed in NRS 293.130 to 293.160, inclusive, except as to time, and each convention [shall have and] *may* exercise all of the power granted [it under] *to it pursuant to the provisions of* NRS 293.130 to 293.160, inclusive. In addition to [such powers granted it,] *those powers,* the state convention shall select [the necessary delegates and alternates] *:*

(a) The delegates and alternate delegates to the national convention of the party [, and,] if *there are no declarations of candidacy filed with the secretary of state for the party's nomination in the presidential preference primary election; and*

(b) If consistent with the rules and regulations of the party, [shall select] the national committeeman and committeewoman of the party from the State of Nevada.

Sec. 10. NRS 293.256 is hereby amended to read as follows:

293.256 In any election regulated by this chapter [,] *or chapter 298 of NRS,* the names of candidates as printed on the ballot [shall] *must* not include any title, designation or other reference which will indicate the profession or occupation of [such] *those* candidates.

Sec. 11. NRS 293.272 is hereby amended to read as follows:

293.272 1. Except as otherwise provided in [subsection 2,] *subsections 2 and 3,* a person who registered to vote pursuant to the provisions of NRS 293.5235, shall, for the first election in which he votes at which that registration is valid, vote in person unless he has previously voted in the county in which he is registered to vote.

2. The provisions of subsection 1 do not apply to a person who:

(a) Is entitled to vote in the manner prescribed in NRS 293.343 to 293.355, inclusive;

(b) Is entitled to vote an absent ballot pursuant to federal law or NRS 293.316;

(c) Submits or has previously submitted a written request for an absent ballot that is signed by the registered voter before a notary public or other person authorized to administer an oath; or

(d) Requests an absent ballot in person at the office of the county clerk.

3. The provisions of this section do not apply to such a person if the first election in which he votes is a presidential preference primary election.

Sec. 12. NRS 293.309 is hereby amended to read as follows:

293.309 1. The county clerk of each county and city clerk of each city shall prepare an absent ballot for the use of registered voters who have requested absent ballots.

2. The ballot must be prepared and ready for distribution to a registered voter who:

(a) Resides within the state, not later than 20 days before the election in which it is to be used; or

(b) Resides outside the state:

(1) For a primary election or general election, not later than 40 days before that election, if possible; or

(2) For a primary city election , [or] general city election [,] *or presidential preference primary election,* not later than 20 days before that election.

3. Any legal action which would prevent the ballot from being issued pursuant to subsection 2 is moot and of no effect.

Sec. 13. NRS 293.310 is hereby amended to read as follows:

293.310 1. Except as otherwise provided in NRS 293.330, a registered voter who requests and receives an absent voter's ballot may vote only by absent ballot at the election for which the absent ballot was issued.

2. If a registered voter has requested an absent ballot *for an election other than a presidential preference primary election* and the ballot has been mailed or issued, the appropriate county or city clerk shall notify the precinct or district election board that the registered voter has requested an absent ballot.

Sec. 14. NRS 293.325 is hereby amended to read as follows:

293.325 1. Except as *otherwise* provided in subsections 2 and 3, when an absent ballot *for an election other than a presidential preference primary election* is returned by a registered voter to the county or city clerk through the mails, and record thereof is made in the absent ballot record book, the appropriate county or city clerk shall deliver, or cause to be delivered, that ballot to the precinct or district election board.

2. If the county or city clerk has appointed an absent ballot central counting board, the clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the voter on the county clerk's register. If the clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. On election day the clerk shall deliver the ballot box to the absent ballot counting board to be counted.

3. If the county or city uses a mechanical voting system, the county or city clerk shall, upon receipt of each absent voter's ballot, make a record of the return and check the signature on the return envelope against the original signature of the county clerk's register. If the county or city clerk determines that the absent voter is entitled to cast his ballot, he shall deposit the ballot in the proper ballot box. On election day the county or city clerk shall deliver the ballot box to the central counting place.

4. When an absent ballot for a presidential preference primary election is returned to the county clerk, the county clerk shall process the ballot in the manner prescribed in sections 46 to 55, inclusive, of this act.

Sec. 15. NRS 293.333 is hereby amended to read as follows:

293.333 1. On the day of *an election other than a presidential preference primary* election, the precinct or district election boards receiving the absent voters' ballots from the county or city clerk shall, in the presence of a majority of the election board officers, deposit the ballots in the ballot box in the following manner:

(a) The name of the voter, as shown on the return envelope, must be called and checked as if the voter were voting in person; and

(b) The signature on the back of the return envelope must be compared with that on the original affidavit of registration.

2. If the board determines that the absent voter is entitled to cast his ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot, and, if the numbers are the same, the ballot deposited in the regular ballot box.

3. The election board officers shall mark in the pollbook opposite the name of the voter the word "Voted."

Sec. 16. NRS 293.356 is hereby amended to read as follows:

293.356 1. If a request is made to vote early by a registered voter in person, the county clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk. [The] *Except as otherwise provided in subsection 3, the* clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. [From the third Saturday preceding an election through the Friday before the election, Sundays excepted,] *On the dates for early voting prescribed in NRS 293.3568,* each county clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.

3. Upon the return to the county clerk of a ballot for early voting for the presidential preference primary election, the county clerk shall process the ballot in the manner prescribed in sections 46 to 55, inclusive, of this act.

Sec. 17. NRS 293.3564 is hereby amended to read as follows:

293.3564 1. [The] *Except as otherwise provided in section 3 of this act, the* county clerk may establish permanent polling places for early voting by personal appearance at locations designated by him throughout the county. Except as otherwise provided in subsection 2, any person entitled to vote early by personal appearance may do so at any polling place for early voting.

2. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, he may:

(a) Provide appropriate forms of ballots for all offices within a county commissioner election district; and

(b) Limit voting at that polling place to registered voters in that district.

Sec. 18. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a [primary or general] *general, primary or presidential preference primary* election and extends through [the] *:*

(a) The Friday before [election day,] *the day on which the general or primary election is held,* Sundays excepted [.] *; or*

(b) The second Monday preceding a presidential preference primary election, Sundays excepted.

2. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until 8 p.m.

(b) On any Saturday that falls within the period for early voting, from 10 a.m. until 6 p.m.

Sec. 19. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. [In] *Except as otherwise provided in section 3 of this act, in* addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voting.

2. The provisions of subsection 2 of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

Sec. 20. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original affidavit of registration, or the card issued to the voter at the time of registration, or other piece of official identification.

2. The county clerk shall prescribe a procedure, approved by the secretary of state, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct number [;] *, unless the election is a presidential preference primary election;* and

(c) The date of voting early in person.

4. When a voter is found to be entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. The deputy clerk for early voting shall:

(a) Mark the voter's precinct on the bottom left-hand side of the card [and] *, unless the election is a presidential preference primary election, and mark* the form of ballot on the bottom right-hand side of the card;

(b) Direct the voter to the appropriate voting machine for his form of ballot; and

(c) Allow the voter to place his voted ballot in the ballot box.

6. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 21. NRS 293.3606 is hereby amended to read as follows:

293.3606 1. The returns for early voting *for an election other than a presidential preference primary election* must be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot.

2. The county clerk shall develop a procedure to ensure that each ballot is kept secret.

Sec. 22. NRS 293.370 is hereby amended to read as follows:

293.370 1. When all the votes have been tallied, the counting board officers shall enter on the tally lists by the name of each candidate the number of votes he received. The number must be expressed in words and figures. The vote for and against any question submitted to the electors must be entered in the same manner.

2. The tally lists must show the number of votes, other than absentee votes and votes in a mailing precinct, which each candidate received in each precinct at:

(a) A primary election held in an even-numbered year *;* [, other than a presidential preference primary;] or

(b) A general election.

Sec. 23. NRS 293.400 is hereby amended to read as follows:

293.400 1. If, after the completion of the canvass of the returns of any election, two or more persons receive an equal number of votes, which is sufficient for the election of one or more but fewer than all of them to the office, the person or persons elected must be determined as follows:

(a) In a general election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, the legislature shall, by joint vote of both houses, elect one of those persons to fill the office.

(b) In a primary election for a United States Senator, Representative in Congress, state officer who is elected statewide or by district, district judge, or district officer whose district includes area in more than one county, *or in a presidential preference primary election,* the secretary of state shall summon the candidates who have received the tie votes to appear before him at a time and place designated by him and he shall determine the tie by lot. If the tie vote is for the office of secretary of state, the governor shall perform these duties.

(c) For any office of a county, township, incorporated city, city organized under a special charter where the charter is silent as to determination of a tie vote, or district which is wholly located within one county, the county clerk shall summon the candidates who have received the tie votes to appear before him at a time and place designated by him and determine the tie by lot. If the tie vote is for the office of county clerk, the board of county commissioners shall perform these duties.

2. The summons mentioned in this section must be mailed to the address of the candidate as it appears upon his declaration of candidacy at least 5 days before the day fixed for the determination of the tie vote and must contain the time and place where the determination will take place.

3. The right to a recount extends to all candidates in case of a tie.

Sec. 24. NRS 293.403 is hereby amended to read as follows:

293.403 1. A candidate defeated at any election may demand and receive a recount of the vote for the office for which he is a candidate if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes:

(a) He files in writing his demand with the officer with whom he filed his declaration of candidacy, affidavit of candidacy or acceptance of candidacy; and

(b) He deposits in advance the estimated costs of the recount with that officer.

2. Any voter at an election may demand and receive a recount of the vote for a ballot question if within 3 working days after the canvass of the vote and the certification by the county clerk or city clerk of the abstract of votes:

(a) He files in writing his demand with:

(1) The secretary of state, if the demand is for a recount of a ballot question affecting more than one county; or

(2) The county or city clerk who will conduct the recount, if the demand is for a recount of a ballot question affecting only one county or city; and

(b) He deposits in advance the estimated costs of the recount with the person to whom he made his demand.

3. The estimated costs of the recount must be determined by the person with whom the advance is deposited based on regulations adopted by the secretary of state defining the term "costs."

4. As used in this section, "canvass" means:

(a) In any primary election [,] *or presidential preference primary election,* the canvass by the board of county commissioners of the returns for a candidate or ballot question voted for in one county or the canvass by the board of county commissioners last completing its canvass of the returns for a candidate or ballot question voted for in more than one county.

(b) In any primary city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

(c) In any general election:

(1) The canvass by the supreme court of the returns for a candidate for a statewide office or a statewide ballot question; or

(2) The canvass of the board of county commissioners of the returns for any other candidate or ballot question, as provided in paragraph (a).

(d) In any general city election, the canvass by the city council of the returns for a candidate or ballot question voted for in the city.

Sec. 25. NRS 293.404 is hereby amended to read as follows:

293.404 1. Where a recount is demanded pursuant to the provisions of NRS 293.403, the:

(a) County clerk of each county affected by the recount shall employ a recount board to conduct the recount in the county, and shall act as chairman of the recount board unless the recount is for the office of county clerk, in

which case the chairman of the board of county commissioners shall act as chairman of the recount board. At least one member of the board of county commissioners must be present at the recount.

(b) City clerk shall employ a recount board to conduct the recount in the city, and shall act as chairman of the recount board unless the recount is for the office of city clerk, in which case the mayor of the city shall act as chairman of the recount board. At least one member of the city council must be present at the recount.

Each candidate for the office affected by the recount and the voter who demanded the recount, if any, may be present in person or by an authorized representative, but may not be a member of the recount board.

2. Except in counties or cities using a mechanical voting system, the recount must include a count and inspection of all ballots, including rejected ballots, and must determine whether those ballots are marked as required by law.

3. If a recount *of the ballots cast in an election other than a presidential preference primary election* is demanded in a county or city using a mechanical voting system, the person who demanded the recount shall select the ballots for the office or ballot question affected from 5 percent of the precincts, but in no case fewer than three precincts, after consultation with each candidate for the office or his authorized representative. *If a recount of the ballots cast in a presidential preference primary election is demanded in a county using a mechanical voting system, the county clerk shall select 5 percent of the ballots cast in the election to conduct the recount, after consultation with each candidate or his authorized representative.* The recount board shall examine the selected ballots, including any duplicate or rejected ballots, shall determine whether the ballots have been voted in accordance with this Title and shall count the valid ballots by hand. A recount by computer must be made of all the selected ballots. If the count of the selected ballots or the recount shows a discrepancy of 1 percent or more for either candidate, or in favor of or against a ballot question, from the original canvass of the returns, the county or city clerk shall order a count by hand of all the ballots for that office. If there is not a discrepancy of 1 percent or more, the county or city clerk shall not order such a count, but shall order a recount by computer of all the ballots for the office.

4. The county or city clerk shall unseal and give to the recount board all ballots to be counted.

5. In the case of a demand for a recount affecting more than one county, the demand must be made to the secretary of state, who shall notify the county clerks to proceed with the recount.

Sec. 26. NRS 293.485 is hereby amended to read as follows:

293.485 1. Every citizen of the United States, 18 years of age or over, who has continuously resided in this state and in the county 30 days and in the precinct 10 days next preceding the day of the next succeeding:

(a) Primary election;

(b) Primary city election;

(c) *Presidential preference primary election;*

(d) General election; or

[(d)] *(e)* General city election,

and who has registered in the manner provided in this chapter, is entitled to vote at that election.

2. This section does not exclude the registration of eligible persons whose 18th birthday or the date of whose completion of the required residence occurs on or before the next succeeding:

(a) Primary election;

(b) Primary city election;

(c) *Presidential preference primary election;*

(d) General election;

[(d)] *(e)* General city election; or

[(e)] *(f)* Any other election.

Sec. 27. NRS 293.557 is hereby amended to read as follows:

293.557 1. The county clerk shall cause to be published once in each of the newspapers circulated in different parts of the county a list of all registered voters within the circulation area of each newspaper, or cause to be published once in a newspaper circulated in the county an alphabetical listing of all registered voters, including the precinct of each voter, for the entire county:

(a) Not less than 2 weeks before the close of registration for any primary election [.] *or presidential preference primary election.*

(b) After each primary election and not less than 2 weeks before the close of registration for the ensuing general election.

2. The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

3. The list of registered voters must not be printed in type smaller than six-point.

Sec. 28. NRS 293.560 is hereby amended to read as follows:

293.560 1. Except as otherwise provided in NRS 293.502, registration must close at 9 p.m. on the fifth Saturday preceding any primary or general election *or presidential preference primary election* and at 9 p.m. on the third Saturday preceding any recall or special election, except that if a recall or special election is held on the same day as a primary or general election [,] or primary or general city election, registration must close at 9 p.m. on the fifth Saturday preceding the day of the elections.

2. The offices of the county clerk and ex officio registrars must be open from 9 a.m. to 5 p.m. and from 7 p.m. to 9 p.m., including Saturdays, during the last days before the close of registration, according to the following schedule:

(a) In a county whose population is less than 100,000, those offices must be open during the last 3 days before registration closes.

(b) In all other counties, those offices must be open during the last 5 days before registration closes.

3. Except for a special election held pursuant to chapter 306 or 350 of NRS:

(a) The county clerk of each county shall cause a notice signed by him to be published in a newspaper having a general circulation in the county indicating the day that registration will be closed. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation published in the nearest county in this state.

(b) The notice must be published once each week for 4 consecutive weeks next preceding the close of registration for any election.

4. The offices of the county clerk and ex officio registrars may remain open on October 31 in each even-numbered year.

Sec. 29. NRS 293.565 is hereby amended to read as follows:

293.565 1. At least 10 days before any election [,] *other than a presidential preference primary election,* the county or city clerk shall cause to be mailed to each registered voter in the county or city a sample ballot for his precinct with a notice informing the voter of the location of his polling place. If the location of the polling place has changed since the last election:

(a) The county or city clerk shall mail a notice of the change to each registered voter in the county or city not sooner than 10 days before mailing the sample ballots; or

(b) The sample ballot must also include a notice in at least 10-point bold type immediately above the location which states:

NOTICE: THE LOCATION OF YOUR POLLING PLACE HAS CHANGED SINCE THE LAST ELECTION

2. The cost of mailing sample ballots for any election other than a primary or general election must be borne by the political subdivision holding the election.

Sec. 30. NRS 293B.080 is hereby amended to read as follows:

293B.080 A mechanical voting system must, except at [primary elections,] *a primary election or presidential preference primary election,* permit the voter to vote for all the candidates of one party or in part for the candidates of one party and in part for the candidates of one or more other parties.

Sec. 31. NRS 293B.130 is hereby amended to read as follows:

293B.130 1. Before any election where a mechanical voting system is to be used, the county or city clerk shall prepare or cause to be prepared a computer program on cards, tape or other material suitable for use with the computer or counting device to be employed for counting the votes cast. The program must cause the computer or counting device to operate in the following manner:

(a) All lawful votes cast by each voter must be counted.

(b) All unlawful votes, including , but not limited to , overvotes or, in a primary election [,] *or presidential preference primary election,* votes cast for a candidate of a major political party other than the party, if any, of the voter's registration, must not be counted.

(c) If the election is:

(1) A primary election held in an even-numbered year, other than a presidential preference primary [;] *election;* or

(2) A general election,

the total votes, other than absentee votes and votes in a mailing precinct, must be accumulated by precinct.

(d) The computer or counting device must halt or indicate by appropriate signal if a ballot is encountered which lacks a code identifying the precinct in which it was voted and, in a primary election, identifying the major political party of the voter.

2. The program must be prepared under the supervision of the accuracy certification board appointed pursuant to the provisions of NRS 293B.140.

3. The county clerk shall take such measures as he deems necessary to protect the program from being altered or damaged.

Sec. 32. NRS 293B.210 is hereby amended to read as follows:

293B.210 1. If a mechanical voting system is used whereby a vote is cast by punching a card, the county or city clerk shall furnish sufficient lists of offices and candidates and the statements of measures to be voted on for the mechanical recording devices used at any election.

2. The secretary of state shall provide to or reimburse each county for all cards used in each primary or general election [.] *or presidential preference primary election.* Any reimbursement must be paid from the reserve for statutory contingency account upon recommendation by the secretary of state and approval by the state board of examiners.

Sec. 33. NRS 293B.380 is hereby amended to read as follows:

293B.380 1. The ballot processing and packaging board must be composed of persons who are qualified in the use of the data processing equipment to be operated for the voting count.

2. The board shall:

(a) Permit only those persons authorized by the county clerk to gain access to the counting area where the computers are located during the period when ballots are being processed.

(b) Receive ballots and maintain groupings of them by precinct.

(c) Before each counting of the ballots [(] or computer run [)] begins, validate the testing material with the counting program.

(d) Maintain a log showing the sequence in which the ballots of each precinct are processed, as a measure to ensure that the ballots of all precincts are processed.

(e) After each counting of the ballots, again verify the testing material with the counting program to substantiate that there has been no substitution or irregularity.

(f) Record an explanation of any irregularity that occurs in the processing.

(g) If the election is:

(1) A primary election held in an even-numbered year, other than a presidential preference primary [;] *election;* or

(2) A general election,

ensure that a list is compiled indicating the total votes, other than absentee votes and votes in a mailing precinct, which each candidate accumulated in each precinct.

(h) Collect all returns, programs, testing materials, ballots and other items used in the election at the computer center and package and deliver the items to the county clerk for sealing and storage.

Sec. 34. Chapter 298 of NRS is hereby amended by adding thereto the provisions set forth as sections 35 to 58, inclusive, of this act.

Sec. 35. *1. In each year in which a President of the United States is elected, there must be held a presidential preference primary election, at which the registered voters of this state may express their choice for candidates for nomination for President of the United States.*

2. The presidential preference primary election must be held on the fourth Tuesday in March of each year in which a presidential election is held and must be conducted by mail pursuant to the provisions of sections 41, 42 and 43 of this act.

3. No other election may be held at the same time as a presidential preference primary election.

Sec. 36. *1. A person who wishes to be a candidate for the nomination of President of the United States for a major political party must, not later than 5 p.m. on the second Tuesday in January in each year in which a presidential election is held:*

(a) File with the secretary of state a declaration of candidacy on a form prescribed by the secretary of state;

(b) File with the secretary of state a separate list of the names of the delegates and alternate delegates from each of the congressional districts in this state who will be pledged to that candidate if he receives the greatest number of votes in that district; and

(c) Pay to the secretary of state a filing fee of $1,000.

2. A person whose name is included on a list filed pursuant to paragraph (b) of subsection 1 must be:

(a) A registered voter in the congressional district for which he is listed as a delegate or alternate delegate; and

(b) A member of the political party of the candidate for whom he is listed as a delegate or alternate delegate.

Sec. 37. *1. Not later than January 1 in a year in which a presidential preference primary election is held, the secretary of state shall announce the number of delegates and alternate delegates from each major political party who will represent each congressional district in this state.*

2. If the number of delegate votes apportioned to this state by the national committee or convention of a major political party is evenly divisible by the number of congressional districts in this state, each of the congressional districts in this state must be represented by an equal number of delegates and alternate delegates.

3. If the number of delegate votes apportioned to this state by the national committee or convention of a major political party is not evenly divisible by the number of congressional districts in this state, the secretary of state shall determine the number of delegates and alternate delegates who will represent each district. The secretary of state shall ensure that no congressional district in this state receives:

(a) More than one fewer delegate and alternate delegate than any other congressional district in this state; or

(b) More delegates and alternate delegates than any congressional district in this state which has a greater population as determined by the last preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce.

Sec. 38. *1. Not later than the second Tuesday in February in each year in which a presidential election is held, the secretary of state shall forward to each county clerk a certified list of the names of those persons whose names must appear on the presidential preference primary election ballot for each major political party.*

2. Immediately upon receipt of the certified list of candidates from the secretary of state, the county clerk shall publish a notice of the presidential preference primary election in a newspaper of general circulation in the county once a week for 2 successive weeks. If no such newspaper is published in the county, the publication may be made in a newspaper of general circulation in the nearest county in this state. The notice must contain:

(a) The date the ballots will be mailed to the voters.

(b) The date by which the ballots must be received from the voters.

(c) The dates on which and the hours during which a registered voter who did not receive a ballot in the mail may vote in person at the office of the county clerk.

(d) The dates for early voting.

(e) The names of the candidates for each major political party's nomination for President.

Sec. 39. *1. The names of the candidates for nomination for President of the United States for each major political party must be printed on the official ballots for the presidential preference primary election. There must be a separate ballot for each major political party.*

2. The name of the major political party must appear at the top of the ballot for that party. The names of the candidates of each major political party must be printed alphabetically upon the ballot of that party.

3. If there is no contest for a major political party's nomination for President of the United States, a ballot for that party must not be printed and an election for that party's nomination must not be held.

Sec. 40. *1. The state central committee of each major political party shall, not later than January 1 in a year in which a presidential election is held, notify the secretary of state in writing whether the party will prohibit nonpartisan voters from voting its ballot in the presidential preference primary election.*

2. Unless a major political party prohibits nonpartisan voters from voting its party ballot in the presidential preference primary election, a nonpartisan voter may, not later than 20 days before the presidential preference primary election is held, request in writing, that the county clerk mail to him that party's presidential preference primary election ballot. If a nonpartisan voter requests to vote a partisan ballot in the presidential

preference primary election, the county clerk shall, when the ballots are mailed to the registered voters of the major political parties pursuant to section 41 of this act, mail to the nonpartisan voter the ballot of the party for whose candidates he wishes to vote. A nonpartisan voter shall not vote more than one partisan ballot in the presidential preference primary election.

Sec. 41. *The county clerk shall, not later than 5 p.m. on the third Tuesday in March of a year in which a presidential preference primary election is held, mail to:*

1. Each registered voter in that county whose affidavit of registration indicates that he is affiliated with a major political party for which a presidential preference primary election will be held; and

2. Each registered voter who is authorized to vote in a party's primary pursuant to section 40 of this act,

an official mailing ballot to be voted by him at the election unless he has already voted or requested an absentee ballot.

Sec. 42. *1. The county clerk shall:*

(a) Make certain of the names and addresses of all voters registered to vote in the county;

(b) Enroll the name and address of each voter found eligible to vote in that county in the presidential preference primary election record book for his party;

(c) Mark the number of the ballot on the return envelope; and

(d) Mail the ballot to the registered voter.

2. Except as otherwise provided in subsection 3, the ballot must be accompanied by:

(a) A stamp and stamp pad;

(b) A postage-paid return envelope; and

(c) Instructions regarding the manner of stamping and returning the ballot.

3. In those counties using a mechanical voting system whereby a vote is cast by punching a card, the ballot must be accompanied by:

(a) A sheet of foam plastic or similar backing material attached to the card;

(b) A punching instrument;

(c) A postage-paid return envelope; and

(d) Instructions regarding the manner of punching and returning the card.

Sec. 43. *Upon receipt of a presidential preference primary election mailing ballot from the county clerk, the registered voter must:*

1. Except as otherwise provided in subsection 2:

(a) Immediately after opening the envelope, mark and fold the ballot;

(b) Place the ballot in the return envelope;

(c) Affix his signature on the back of the envelope; and

(d) Mail or deliver the envelope to the county clerk.

2. In those counties using a mechanical voting system whereby a vote is cast by punching a card:

(a) Immediately after opening the envelope, punch the card;

(b) Place the unfolded card in the return envelope;

(c) Affix his signature on the back of the envelope; and

(d) Mail or deliver the envelope to the county clerk.

Sec. 44. *Each registered voter may vote on the partisan ballot for the presidential preference primary election for one person to be the candidate for nomination for President of the United States for that party.*

Sec. 45. *The county clerk shall, upon request from a registered voter who does not receive a ballot, issue to that voter a certificate of error and allow that voter to vote on election day at the office of the county clerk.*

Sec. 46. *1. When an absent ballot or mailing ballot for the presidential preference primary election is returned to the county clerk, the county clerk shall make a record of the fact that the ballot was returned on the absent ballot record book.*

2. On the day of the presidential preference primary election, the county clerk shall deposit the ballots in the regular ballot box in the following manner:

(a) The name of the voter, as shown on the return envelope, must be called and checked as if the voter were voting in person; and

(b) The signature on the back of the return envelope must be compared with that on the original affidavit of registration.

3. If the county clerk determines that the voter is entitled to cast his ballot, the envelope must be opened, the numbers on the ballot and envelope compared, the number strip or stub detached from the ballot and, if the numbers are the same, the ballot deposited in the regular ballot box.

4. The county clerk shall mark in the pollbook opposite the name of the voter the word "Voted."

5. When all the ballots received by the county clerk have been voted or rejected, the county clerk shall:

(a) Note on each envelope containing a rejected ballot the reason for rejection; and

(b) Sign each envelope containing a rejected ballot.

Sec. 47. *In any county which has more than one congressional district within its boundaries, the county clerk shall make a separate count of the ballots received from the voters in each of the congressional districts in this state.*

Sec. 48. *When the polls are closed, the county clerk shall prepare to count the ballots returned to him. The counting procedure must be public and continue without adjournment until completed. The county clerk shall prepare in the following manner:*

1. The ballot box must be opened and the ballots contained therein counted by the county clerk and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If, on comparison of the count with the record books, the county clerk is of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in

an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the county clerk and placed in the ballot box after the count is completed.

2. If the ballots in the box are found to exceed the number of names on the record books, the ballots must be replaced in the box, and the county clerk with his back turned to the box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope.

3. When it has been determined that the record books and the number of ballots agree with the number of names of registered voters shown to have voted, the county clerk shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 49. *The county clerk in any county in which paper ballots are used shall not begin counting the votes until all ballots which were returned by the voters and all ballots which were not mailed by the county clerk are accounted for.*

Sec. 50. *The basic factor to be considered by a county clerk when determining whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the county clerk, constitutes an identifying mark such that there is a reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.*

Sec. 51. *When all the votes have been tallied, the county clerk shall enter on the tally lists by the name of each candidate the number of votes he received. The number must be expressed in words and figures.*

Sec. 52. *1. After the tally lists have been completed, the county clerk shall:*

(a) File the voted ballots on a string, enclose and seal them in an envelope marked "Election returns, voted ballots."

(b) File the rejected ballots on a string, enclose and seal them in an envelope marked "Election returns, rejected ballots."

(c) Place one of the tally lists for regular ballots and one of the pollbooks in an envelope marked "Election returns" and seal the envelope.

2. The voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and ballots which were not mailed by the county clerk must be sealed under cover by the county clerk.

Sec. 53. *1. Except as otherwise provided in subsection 2, each county clerk shall post a copy of the voting results in a conspicuous place on the outside of the place where the votes were counted.*

2. When votes are cast on ballots which are mechanically or electronically tabulated in accordance with the provisions of chapter 293B of NRS, the county clerk shall, as soon as possible, post copies of the tabulated voting results in a conspicuous place on the outside of the counting facility.

3. Each copy of the voting results posted in accordance with subsections 1 and 2 must set forth the accumulative total of all the votes cast within the county and must be signed by the county clerk or the computer program and processing accuracy board.

Sec. 54. *1. As soon as the returns from the county have been received by the board of county commissioners, the board shall meet and canvass the returns. The canvass must be completed on or before the fifth working day following the election.*

2. In making its canvass, the board shall:

(a) Note separately any clerical errors discovered; and

(b) Take account of the changes resulting from the discovery, so that the result declared represents the true vote cast.

3. The county clerk shall, as soon as the result is declared, enter upon the records of the board an abstract of the result, which must contain the number of votes cast for each candidate. The board, after making the abstract, shall cause the county clerk to certify the abstract and, by an order made and entered in the minutes of its proceedings, to make:

(a) A copy of the certified abstract; and

(b) A mechanized report of the abstract in compliance with regulations adopted by the secretary of state,

and transmit them to the secretary of state within 5 working days after the day after the election.

4. The secretary of state shall, immediately after the election, compile the returns for all the candidates. He shall make out and file in his office an abstract thereof, and shall certify to the county clerk of each county the name of the candidate whose delegates and alternate delegates will be attending the national party convention for each major political party from each congressional district in this state.

Sec. 55. *1. The voted ballots, rejected ballots, spoiled ballots, ballots which were not mailed by the county clerk, tally lists, pollbooks, challenge lists and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk, and preserved for at least 22 months. All sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the county clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.*

2. The pollbooks containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who wishes to examine them at any time after their deposit with the county clerk.

3. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1, except the voted ballots.

4. The voted ballots deposited with the county clerk are not subject to the inspection of any person, except in cases of contested election, and then only

by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of that judge, body or board.

Sec. 56. *1. The delegates and alternate delegates of the candidate who receives the greatest number of votes in each congressional district in the state will be certified by the secretary of state as the delegates and alternate delegates from this state to the national convention of that party.*

2. If there is no contest for a major political party's nomination for President, the delegates and alternate delegates of the only candidate to file a declaration must be certified as the delegates and alternate delegates from this state to that party's national convention.

3. If there are no declarations of candidacy filed with the secretary of state for a major political party's nomination for President, the state central committee shall designate the party's delegates and alternate delegates to the national convention.

4. The delegates and alternate delegates of the candidate who received the greatest number of votes at the presidential preference primary election must be pledged to that candidate for the first convention ballot unless the candidate releases those delegates and alternate delegates pursuant to subsection 5.

5. At any time after the presidential preference primary election, the candidate who received the greatest number of votes in the election may release his delegates and alternate delegates from their pledge to support him at the national convention. The delegates and alternate delegates of a candidate shall be deemed to be released when the candidate notifies the chairman of the state delegation of his party, in writing, that he wishes to release his delegates and alternate delegates.

6. The candidate who receives the greatest number of votes in a presidential preference primary election may change the names on the list of delegates and alternate delegates who will be pledged to him at the national convention at any time before the national convention is held by notifying the secretary of state, in writing, that he wishes to make a change to his list of delegates and alternate delegates. A delegate or alternate delegate whose name is included on the list after the presidential preference primary election must meet the qualifications for delegates and alternate delegates prescribed in section 36 of this act.

7. A person who is certified by the secretary of state as a delegate or alternate delegate from this state to the national convention of a major political party shall, within 2 weeks after his certification, file with the secretary of state a pledge to act in accordance with the provisions of sections 35 to 58, inclusive, of this act.

Sec. 57. *If a presidential preference primary election is held pursuant to sections 35 to 58, inclusive, of this act, the cost of the election is a charge against the state and must be paid from the reserve for statutory contingency account upon recommendation by the secretary of state and approval by the state board of examiners.*

Sec. 58. *The secretary of state may adopt regulations to carry out the provisions of sections 35 to 58, inclusive, of this act.*

Sec. 59. NRS 353.264 is hereby amended to read as follows:

353.264 1. The reserve for statutory contingency account is hereby created in the state general fund.

2. The state board of examiners shall administer the reserve for statutory contingency account, and the money in the account must be expended only for:

(a) The payment of claims which are obligations of the state pursuant to NRS 41.03435, 41.0347, 176.485, 179.310, 212.040, 212.050, 212.070, 214.040, 281.174, 282.290, 282.315, 288.203, 293.253, 293.405, 353.120, 353.262, 412.154 and 475.235 [;] *and section 57 of this act;*

(b) The payment of claims which are obligations of the state pursuant to:

(1) Chapter 472 of NRS arising from operations of the division of forestry directly involving the protection of life and property; and

(2) NRS 7.155, 34.750, 176.223, 178.465, 179.225, 213.153 and 293B.210,

but the claims must be approved for the respective purposes listed in this paragraph only when the money otherwise appropriated for those purposes has been exhausted; and

(c) The payment of claims which are obligations of the state pursuant to NRS 41.0349 and 41.037, but only to the extent that the money in the fund for insurance premiums is insufficient to pay the claims.

Sec. 60. 1. There is hereby appropriated from the state general fund to the reserve for statutory contingency account created pursuant to NRS 353.264 the sum of $200,000 to pay the cost of the presidential preference primary election which will be held on March 25, 1996.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1997, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 61. 1. This section and section 60 of this act become effective upon passage and approval or on June 30, 1995, whichever occurs earlier.

2. Sections 1 to 59, inclusive, of this act become effective on October 1, 1995.

3. The provisions of this act expire by limitation on July 1, 1997.".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Assemblyman Close moved that Assembly Bill No. 695 be returned to the Concurrent Committee on Elections and Procedures.

Motion carried.

Bill ordered reprinted, engrossed and returned to the Committee on Elections and Procedures.

Assembly Bill No. 517.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1120.

Amend the bill as a whole by deleting sections 1 through 9 and adding new sections designated sections 1 through 17, following the enacting clause, to read as follows:

"Section 1. Chapter 294A of NRS is hereby amended by adding thereto a new section to read as follows:

1. When designing the forms required by NRS 294A.120 and 294A.200, the secretary of state shall consult with at least:

(a) One member of the state legislature;

(b) One county commissioner; and

(c) One county clerk in this state,

to ensure that the forms are clear and concise from a variety of perspectives.

2. Each form for reporting campaign contributions must include a category for reporting:

(a) The opening balance in the campaign fund at the beginning of the first period for which a report detailing campaign contributions is required; and

(b) The total amount of interest and income, after deducting any applicable charges, earned from the investment of money received from campaign contributions from the first period for which a report detailing campaign contributions is required. The secretary of state may design the form for campaign contributions in a manner which requires the candidate to account separately for the amount of interest and income, after deducting any applicable charges, earned during each specific period for which the reporting is required.

3. Each form for reporting campaign expenses must include a category of expenditures for each of the following:

(a) Office expenses;

(b) Expenses related to volunteers;

(c) Travel expenses;

(d) Expenses contracted for or made for advertising through each of the following media:

(1) Television;

(2) Newspaper;

(3) Radio;

(4) Billboards;

(5) Printed signs, posters, fliers, brochures; and

(6) Direct mail;

(e) Expenses related to paid staff;

(f) Expenses related to consultants;

(g) Expenses related to polling;

(h) Expenses related to special events;

(i) Services provided in kind for which money would otherwise have been paid; and

(j) Other miscellaneous expenses related to the campaign.

Sec. 2. NRS 294A.0055 is hereby amended to read as follows:

294A.0055 ["Committee]

1. Except as otherwise provided in subsection 2, committee for political action means [an] *:*

(a) An organization which receives contributions, makes contributions to candidates or other persons or makes expenditures designed to affect the outcome of any primary, general or special election or question on the ballot [.] *;*

(b) An organization formed for the purpose of circulating any petition provided for in this Title; or

(c) A committee sponsored by a political party.

2. The term does not include a committee for the recall of a public officer [.] *or a committee under the direction or control of a candidate which is organized for the purpose of ensuring his election.*

Sec. 3. NRS 294A.100 is hereby amended to read as follows:

294A.100 1. A natural person shall not make a contribution [or contributions] to a candidate for:

(a) A city, county, state or judicial office *, other than for the office of justice of the supreme court,* in a total amount which exceeds $2,000; or

(b) A statewide office *, including the office of justice of the supreme court,* in a total amount which exceeds $10,000,

during the period beginning on the day after the last general election for the office and ending on the day of the general election for that office.

2. A candidate shall not accept a contribution made in violation of subsection 1.

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

Sec. 4. NRS 294A.110 is hereby amended to read as follows:

294A.110 1. A person, other than a natural person, [political party or committee sponsored by a political party,] shall not make a contribution [or contributions] to a candidate for:

(a) A city, county, state or judicial office *, other than for the office of justice of the supreme court,* in a total amount which exceeds $10,000; or

(b) A statewide office *, including the office of justice of the supreme court,* in a total amount which exceeds $20,000,

during the period beginning on the day after the last general election for that office and ending on the day of the general election for that office.

2. A candidate shall not accept a contribution made in violation of subsection 1.

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

Sec. 5. NRS 294A.120 is hereby amended to read as follows:

294A.120 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than:

(a) Fifteen days before the primary election, for the period from *30 days after* the last election for that office up to 20 days before the primary election;

(b) Fifteen days before the general election, whether or not the candidate won the primary election, for the period from 20 days before the primary election up to 20 days before the general election; and

(c) The 15th day of the second month after the general election, for the remaining period up to 30 days after the general election,

report the total amount of his campaign contributions on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

2. Except as otherwise provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Fifteen days before the special election, for the period from his nomination up to 20 days before the special election; and

(b) Thirty days after the special election, for the remaining period up to the special election,

report the total amount of his campaign contributions on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report the total amount of his campaign contributions on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury, 30 days after the special election, for the period from the filing of the notice of intent to circulate the petition for recall up to the special election.

4. Reports of campaign contributions must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. Every county clerk who receives from candidates for [legislative or judicial office, except the office of justice of the peace or municipal judge,] *state office* reports of campaign contributions pursuant to subsection 2 shall file a copy of each report with the secretary of state within 10 working days after he receives the report.

6. Each contribution in excess of [$500] *$100* and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the first reporting period, must be separately identified with the name and address of the contributor and the date of the contribution , [or contributions,] tabulated and reported on the form provided by the secretary of state. *The total number of campaign contributions of $100 or less must also be reported on the form.*

7. Except as otherwise provided in this section, any candidate who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 6. NRS 294A.140 is hereby amended to read as follows:

294A.140 1. Except as otherwise provided in *this* subsection , [6,] every person who is not under the direction or control of a candidate or

group of candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group and every committee for political action , *political party and committee sponsored by a political party* which makes an expenditure on behalf of a candidate or group of candidates *which is not solicited or approved by the candidate or group* shall, not later than:

(a) Fifteen days before a primary election or primary city election, for the period from 30 days after the last election for that office to 20 days before that election;

(b) Fifteen days before a general election or general city election, whether or not the candidate won the primary election or primary city election, for the period from 20 days before that election to 20 days before the general election or general city election; and

(c) The 15th day of the second month after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,

report the total amount of contributions received on the form designed and provided by the secretary of state and shall sign the report under penalty of perjury. *The provisions of this subsection do not apply to a campaign for federal office.*

2. The report of campaign contributions must identify each contribution in excess of [$500.] *$100.* Contributions which a contributor has made cumulatively in excess of [$500] *$100* since the beginning of the first reporting period must be separately identified with the name and address of the contributor and the date of the contribution , [or contributions] tabulated and reported on the form designed and provided by the secretary of state.

3. If the candidate is elected from one county, the reports must be filed with the county clerk of that county. If the candidate is elected from one city, the reports must be filed with the city clerk of that city. For all other candidates the reports must be filed with the secretary of state. A person may make his report to the appropriate officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

6. [The provisions of this section do not apply to a political party or committee sponsored by a political party.] *For the purposes of this section, "expenditure" does not include a campaign contribution made to a candidate or group of candidates that is required to submit a report pursuant to NRS 294A.120.*

Sec. 7. NRS 294A.150 is hereby amended to read as follows:

294A.150 1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at any election including any [recall or] special election shall, not later than:

(a) Fifteen days before a primary election or primary city election, for the period from [30 days after the last election for that office] *24 months before the election* to 20 days before [that] *the* election;

(b) Fifteen days before a general election or general city election [, whether or not the candidate won the primary election or primary city election,] for the period from 20 days before that election to 20 days before the general election or general city election; and

(c) The 15th day of the second month after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,

report the total amount of contributions received on the form designed and provided by the secretary of state and signed by the person or a representative of the group under penalty of perjury.

2. Each contribution in excess of [$500] *$100* and contributions which a contributor has made cumulatively in excess of that amount since the beginning of the first reporting period, must be separately identified with the name and address of the contributor and the date of the contribution , [or contributions] tabulated and reported on the form provided by the secretary of state.

3. If the question is submitted to the voters of only one county, the reports must be filed with the county clerk of that county. If the question is submitted to the voters of only one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary of state. If the person or group of persons is advocating passage or defeat of a group of questions, the reports must be made to the officer appropriate for each question and must be itemized by question.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 8. NRS 294A.160 is hereby amended to read as follows:

294A.160 1. It is unlawful for a candidate to spend money received as a campaign contribution for [his personal use.] *any activity or purpose which is primarily for the benefit of the candidate or a member of his family and does not directly further his campaign for office.*

2. Every candidate for a state, district, county, city or township office at a primary, general or special election who is elected to that office and received contributions that were not spent or committed for expenditure before the primary, general or special election shall:

(a) Return the unspent money to contributors;

(b) Use the money in his next election or for the payment of other expenses related to public office or his campaign;

(c) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party;

(3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);

(d) Donate the money to any tax-exempt nonprofit entity; or

(e) Dispose of the money in any combination of the methods provided in paragraphs (a) to (d), inclusive.

3. Every candidate for a state, district, county, city or township office at a primary, general or special election who is not elected to that office and received contributions that were not spent or committed for expenditure before the primary, general or special election shall, not later than the 15th day of the second month after his defeat:

(a) Return the unspent money to contributors;

(b) Contribute the money to:

(1) The campaigns of other candidates for public office or for the payment of debts related to their campaigns;

(2) A political party;

(3) A person or group of persons advocating the passage or defeat of a question or group of questions on the ballot; or

(4) Any combination of persons or groups set forth in subparagraphs (1), (2) and (3);

(c) *Use the money in his next election or for the payment of other expenses related to his campaign;*

(d) Donate the money to any tax-exempt nonprofit entity; or

[(d)] *(e)* Dispose of the money in any combination of the methods provided in paragraphs (a) [, (b) and (c).] *to (d), inclusive.*

4. Every public officer who:

(a) Holds a state, district, county, city or township office;

(b) Does not run for reelection and is not a candidate for any other office; and

(c) Has contributions that are not spent or committed for expenditure remaining from a previous election,

shall, not later than the 15th day of the second month after the expiration of his term of office, dispose of those contributions in the manner provided in subsection 3.

5. Any candidate or public officer who willfully violates any provision of this section is guilty of a misdemeanor. The court shall, in addition to any other penalty which may be imposed, order the candidate or public officer to dispose of any remaining contributions in the manner provided in this section.

6. For the purposes of this section, "contributions" include any interest and other income earned thereon.

Sec. 9. NRS 294A.180 is hereby amended to read as follows:

294A.180 1. Each candidate for a state, district, county, city or township office who is not elected to that office *or who withdraws his candidacy before the election,* shall, not later than the 15th day of the second month after [his defeat,] *the election,* file a report with the [secretary of state] *officer with whom he filed his declaration or acceptance of candidacy* stating the amount of contributions which he received for that campaign but did not spend, and the disposition of those unspent contributions.

2. Each public officer who is elected to a state, district, county, city or township office shall file a report with the [secretary of state:] *officer with whom he filed his declaration or acceptance of candidacy:*

(a) Not later than the 15th day of the second month after his election, stating the amount of campaign contributions which he received but did not spend, and the amount, if any, of those unspent contributions disposed of pursuant to [paragraph (a), (b) or (c) of] subsection 2 of NRS 294A.160;

(b) Not later than January 15th of each year of his term beginning the year after he filed the report required by paragraph (a), stating the amount, if any, of those unspent contributions disposed of pursuant to NRS 294A.160 during the period since his last report and the manner in which they were disposed of; and

(c) Not later than the 15th day of the second month after he no longer holds that office, stating the amount and disposition of any remaining unspent contributions.

3. The reports required by subsections 1 and 2 must be submitted on a form designed and provided by the secretary of state and signed by the candidate or public officer under penalty of perjury.

4. Except as otherwise provided in this section, any person who willfully violates any provision of this section is guilty of a misdemeanor.

Sec. 10. NRS 294A.200 is hereby amended to read as follows:

294A.200 1. Every candidate for state, district, county or township office at a primary or general election shall, not later than:

(a) Fifteen days before the primary election, for the period from 30 days after the last election for that office up to 20 days before the primary election;

(b) Fifteen days before the general election, whether or not the candidate won the primary election, for the period from 20 days before the primary election up to 20 days before the general election; and

(c) The 15th day of the second month after the general election, for the remaining period up to 30 days after the general election,

report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

2. Except as *otherwise* provided in subsection 3, every candidate for a district office at a special election shall, not later than:

(a) Fifteen days before the special election, for the period from his nomination up to 20 days before the special election; and

(b) Sixty days after the special election, for the remaining period up to 30 days after the special election,

report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury.

3. Every candidate for state, district, county, municipal or township office at a special election to determine whether a public officer will be recalled shall report his campaign expenses on forms designed and provided by the secretary of state and signed by the candidate under penalty of perjury, 60 days after the special election, for the period from the filing of the notice of intent to circulate the petition for recall up to 30 days after the special election.

4. Reports of campaign expenses must be filed with the officer with whom the candidate filed the declaration of candidacy or acceptance of candidacy. A candidate may mail the report to that officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. County clerks who receive from candidates for [legislative or judicial office, except the office of justice of the peace or municipal judge,] *state office* reports of campaign expenses pursuant to subsection 2 shall file a copy of each report with the secretary of state within 10 working days after he receives the report.

6. Except as otherwise provided in this section, any candidate who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 11. NRS 294A.210 is hereby amended to read as follows:

294A.210 1. [Every] *Except as otherwise provided in this subsection, every* person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of that candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group [,] *and* every committee for political action, political party [or] *and* committee sponsored by a political party which makes an expenditure on behalf of a candidate or group of candidates *which is not solicited or approved by the candidate or group,* shall, not later than:

(a) Fifteen days before a primary election or primary city election, for the period from 30 days after the last election for that office to 20 days before that election;

(b) Fifteen days before a general election or general city election, whether or not the candidate won the primary election or primary city election, for the period from 20 days before that election to 20 days before the general election or general city election; and

(c) The 15th day of the second month after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,

report the expenditures made on behalf of a candidate or group of candidates in excess of [$500] *$100* on forms designed and provided by the secretary of state and signed by the person or a representative of the group under penalty

of perjury. The report must also include identification of expenditures which the person or group made cumulatively in excess of [$500] *$100* since the beginning of the first reporting period. *The provisions of this section do not apply to a campaign for federal office.*

2. Expenditures made within the state or made elsewhere but for use within the state, including expenditures made outside the state for printing, television and radio broadcasting or other production of the media, must be included in the report. Expenditures made to communicate with the group's own members on behalf of a candidate or group of candidates must not be included in the report.

3. If the candidate is elected from one county, the reports must be filed with the county clerk of that county. If the candidate is elected from one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary of state. If an expenditure is made on behalf of a group of candidates, the reports must be made to the officer appropriate for each candidate and itemized by the candidate. A person may make his report to the appropriate officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

5. [Except as otherwise provided in this section, any] *A* person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

6. As used in this section, "expenditure" does not include a campaign contribution made to a candidate or group of candidates that is subject to reporting pursuant to NRS 294A.120.

Sec. 12. NRS 294A.220 is hereby amended to read as follows:

294A.220 1. Every person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot at any election , including [any recall or] *a* special election shall, not later than:

(a) Fifteen days before a primary election or primary city election, for the period from [30 days after the last election for that office] *24 months before the election* to 20 days before [that] *the* election;

(b) Fifteen days before a general election or general city election [whether or not the candidate won the primary election or primary city election,] for the period from 20 days before that election to 20 days before the general election or general city election; and

(c) The 15th day of the second month after a general election or general city election, for the remaining period up to 30 days after the general election or general city election,

report expenditures made on behalf of or against a question or group of questions on the ballot in excess of [$500] *$100* on the form designed and provided by the secretary of state and signed by the person or a representa-

tive of the group under penalty of perjury. The report must also include the identification of expenditures which the person or group made cumulatively in excess of [$500] *$100* since the beginning of the first reporting period.

2. Expenditures made within the state or made elsewhere but for use within the state, including expenditures made outside the state for printing, television and radio broadcasting or other production of the media, must be included in the report. Expenditures made to communicate with the group's own members on behalf of or against a question or group of questions must not be included in the report.

3. If the question is submitted to the voters of only one county, the reports must be filed with the county clerk of that county. If the question is submitted to the voters of only one city, the reports must be filed with the city clerk of that city. Otherwise, the reports must be filed with the secretary of state. If an expenditure is made on behalf of a group of questions, the reports must be made to the officer appropriate for each question and must be itemized by question. A person may make his report to the appropriate filing officer by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

4. Each county clerk or city clerk who receives a report pursuant to subsection 3 shall file a copy of the report with the secretary of state within 10 working days after he receives the report.

5. Except as otherwise provided in this section, any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 13. NRS 294A.230 is hereby amended to read as follows:

294A.230 1. Each committee for political action shall, before it engages in any activity in this state, register with the secretary of state on forms supplied by him.

2. The form must require:

(a) The name of the committee;

(b) The purpose for which it was organized;

(c) The names and addresses of its officers;

(d) If the committee for political action is affiliated with any other organizations, the name and address of each organization;

(e) The name and address of its resident agent; and

(f) Any other information deemed necessary by the secretary of state.

3. A committee for political action shall file with the secretary of state an amended form for registration within 30 days after any change in the information contained in the form for registration.

4. Each committee for political action which intends to cease operation permanently in this state shall file a notice of dissolution with the secretary of state on a form supplied by him. The filing of such a notice does not exempt the committee for political action from the reporting requirements of this chapter.

Sec. 14. NRS 294A.270 is hereby amended to read as follows:

294A.270 1. Except as otherwise provided in subsection 2, each committee for the recall of a public officer shall, not later than:

(a) Fifteen days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall up to 20 days before the special election; and

(b) Thirty days after the election, for the remaining period up to the election,

report each contribution received or made by the committee in excess of [$500] *$100* on a form provided by the secretary of state and signed under the penalty for perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a public officer shall, not later than 30 days after the expiration of the notice of intent, report each contribution received or made by the committee in excess of [$500.] *$100.*

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall up to the day the court determines that an election will not be held, report each contribution received or made by the committee in excess of [$500.] *$100.*

4. Each report of contributions must be filed with the secretary of state. The committee may mail the report by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

5. Each contribution, whether from or to a natural person, association or corporation, in excess of [$500,] *$100,* and contributions which a contributor or the committee has made cumulatively in excess of that amount since the beginning of the first reporting period, must be separately identified with the name and address of the contributor or person to whom the contribution was given and the date of the contribution , [or contributions,] tabulated and reported on the form provided by the secretary of state.

6. Any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 15. NRS 294A.280 is hereby amended to read as follows:

294A.280 1. Except as otherwise provided in subsection 3, each committee for the recall of a public officer shall, not later than:

(a) Fifteen days before the special election to recall a public officer, for the period from the filing of the notice of intent to circulate the petition for recall up to 20 days before the special election; and

(b) Thirty days after the election, for the remaining period up to the election,

report each expenditure made by the committee in excess of [$500] *$100* on a form provided by the secretary of state and signed under the penalty for perjury.

2. If a petition for the purpose of recalling a public officer is not filed before the expiration of the notice of intent, the committee for the recall of a

public officer shall, not later than 30 days after the expiration of the notice of intent, report each expenditure made by the committee in excess of [$500.] *$100.*

3. If a court does not order a special election for the recall of the public officer, the committee for the recall of a public officer shall, not later than 30 days after the court determines that an election will not be held, for the period from the filing of the notice of intent to circulate the petition for recall up to the day the court determines that an election will not be held, report each expenditure made by the committee in excess of [$500.] *$100.*

4. The report must also include identification of expenditures which the committee for the recall of a public officer made cumulatively in excess of [$500] *$100* since the beginning of the first reporting period.

5. Each report of expenditures must be filed with the secretary of state. The committee may mail the report by certified mail. If certified mail is used, the date of mailing shall be deemed the date of filing.

6. Any person who willfully violates any of the provisions of this section is guilty of a gross misdemeanor.

Sec. 16. NRS 294A.360 is hereby amended to read as follows:

294A.360 1. Every candidate for city office where the general city election is preceded by a primary city election shall file the reports in the manner required by NRS 294A.120, 294A.200 and 294A.350 for other offices not later than:

(a) Fifteen days before the primary city election, for the period from 30 days after the last election for that office up to 20 days before the primary city election;

(b) Fifteen days before the general city election, whether or not the candidate won the primary city election, for the period from 20 days before the primary city election up to 20 days before the general city election; and

(c) The 15th day of the second month after the general city election, for the remaining period up to 30 days after the general city election.

2. Every candidate for city office where there is no primary city election shall so file those reports:

(a) Twenty days before the general city election, for the period from 30 days after the last election for that office up to 30 days before the general city election; and

(b) The 15th day of the second month after the general city election, for the remaining period up to 30 days after the general city election.

3. The [city clerk] *secretary of state* shall design [the] *a standard* form for each report a candidate for city office is required to file pursuant to NRS 294A.120 and 294A.200. [The] *A* city clerk [shall submit] *may make such changes to the form as are necessary to comply with local ordinances and rules if he submits* the *amended* form to the secretary of state for approval. The city clerk shall not use such a form until it is approved.

Sec. 17. NRS 294A.400 is hereby amended to read as follows:

294A.400 The secretary of state shall, within 30 days after receipt of the reports required by NRS 294A.120, 294A.140, 294A.150, 294A.200, 294A.210, 294A.220, 294A.270 and 294A.280, prepare and make available for public inspection a compilation of:

1. The total campaign contributions, the contributions which are in excess of [$500] *$100* and the total campaign expenses of each of the candidates for legislative and judicial offices from whom reports of those contributions and expenses are required.

2. The contributions made to a committee for the recall of a public officer in excess of [$500.] *$100.*

3. The expenditures exceeding [$500] *$100* made by a:

(a) Person on behalf of a candidate other than himself.

(b) Person or group of persons on behalf of or against a question or group of questions on the ballot.

(c) Group of persons advocating the election or defeat of a candidate.

(d) Committee for the recall of a public officer.

4. The contributions in excess of [$500] *$100* made to:

(a) A person who is not under the direction or control of a candidate or group of candidates or of any person involved in the campaign of the candidate or group who makes an expenditure on behalf of the candidate or group which is not solicited or approved by the candidate or group.

(b) A person or group of persons organized formally or informally who advocates the passage or defeat of a question or group of questions on the ballot.

(c) A committee for political action which makes an expenditure on behalf of a candidate or group of candidates.".

Amend the title of the bill to read as follows:

"An Act relating to campaign practices; revising various provisions relating to the reporting of campaign contributions and expenses; requiring the forms for reporting campaign expenses to include certain categories of expenditures; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "forms for".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 192.

The following Senate amendment was read:

Amendment No. 836.

Amend sec. 5, page 1, line 18, after "*NRS,*" by inserting: "*an advanced practitioner of nursing licensed pursuant to chapter 632 of NRS, an*".

Amend sec. 12, page 3, line 25, by deleting "[100] *200*" and inserting "100".

Amend sec. 12, page 3, line 30, by deleting "[100] *200*" and inserting "100".

Amend sec. 12, page 3, line 35, by deleting "[100] *200*" and inserting "100".

Amend sec. 12, page 3, line 36, by deleting "*200*" and inserting "*100*".

Amend sec. 12, page 3, line 41, by deleting "[$100] *200*" and inserting "100".

Amend sec. 12, page 3, line 42, by deleting "[100] *200*" and inserting "100".

Amend sec. 17, page 5, line 14, by deleting "*3*" and inserting "*2*".

Amend sec. 17, page 5, line 17, by deleting "[3] *5*" and inserting "3".

Amend sec. 17, page 5, line 21, by deleting "*$10,000*" and inserting "*$5,000*".

Assemblyman Spitler moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 192.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 21.

The following Senate amendment was read:

Amendment No. 815.

Amend the resolution, page 1, line 18, by deleting "The proposal".

Amend the resolution, page 1, by deleting line 19 and inserting "The".

Assemblyman Monaghan moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 21.

Remarks by Assemblyman Monaghan.

Motion carried.

Resolution ordered enrolled.

Assembly Bill No. 645.

The following Senate amendment was read:

Amendment No. 973.

Amend sec. 4, page 3, line 31, by deleting: "secretary of the board," and inserting "secretary-treasurer,".

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

"Sec. 10. Section 4 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Monaghan moved that the Assembly concur in the Senate amendment to Assembly Bill No. 645.

Remarks by Assemblyman Monaghan.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Senate Bills Nos. 301, 520, 544, 551; Senate Joint Resolution No. 11.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Elana Lee Graham.

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Sherleigh R. Hackman and Dennis J. Hackman.

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to April Dini.

Assemblyman Ernaut moved that the Assembly adjourn until Wednesday, June 21, 1995 at 10:30 a.m.

Motion carried.

Assembly adjourned at 2:28 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-SEVENTH DAY

CARSON CITY (Wednesday), June 21, 1995

Assembly called to order at 10:38 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Lawrence Huntt.

Our Heavenly Father, thank You for the guidance and inspiration You are giving to the men and women of this Legislature in their many decisions to help the people of the State of Nevada. We pray that You will continue to encourage and direct them to do what is right. We ask these things in Your most Holy Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bill No. 656; Senate Bills Nos. 309, 417, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 369, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 369, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 208, 219, 426, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Economic Development and Tourism, to which was referred Senate Joint Resolution No. 22, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DIANNE STEEL, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Concurrent Resolution No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JAN MONAGHAN, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 35, 558, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JAN MONAGHAN, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which were referred Assembly Bills Nos. 552, 587, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDI KRENZER, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 634, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN MONAGHAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 19, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 205.

MARY JO MONGELLI
Assistant Secretary of the Senate

COMMUNICATIONS

OKLAHOMA STATE SENATE
STATE CAPITOL
2300 N. LINCOLN BLVD.
OKLAHOMA CITY, OKLAHOMA 73105-4808

June 16, 1995

MOURYNE B. LANDING, *Chief Clerk of the Assembly,* Legislative Building, 401 S. Carson Street, Carson City, Nevada 89710

DEAR MOURYNE:

Words simply cannot express the appreciation and respect I hold for the Nevada State Assembly. I recently received your letter and a copy of Ms. Bond's "Part of the Heartland." The song not only meant a great deal to me, but it also meant the world to 3.4 million other Oklahomans. Your show of support for the State of Oklahoma has truly not gone unnoticed.

On behalf of the Oklahoma State Senate and the extraordinary citizens of our great state, please accept our most sincere appreciation for this timeless show of support. Oklahoma will never forget the manner in which our neighbors have flocked to our side during this time of need. This tragedy has allowed us to become closer as both a state and

a nation. It has been through the labors of many states working together for the good of the whole that Oklahoma has started the healing process. Our wounds are deep and our hearts are sad, but our spirit has not been broken.

Once again, thank you for this meaningful show of support of our state. We are still here America, and through the power of your thoughts and prayers, we will come back even stronger and more unified than we ever could have imagined.

Sincerely,

GILMER N. CAPPS
State Senate
District #26

HENDERSON POLICE DEPARTMENT
223 LEAD STREET
HENDERSON, NEVADA

June 19, 1995

To: RICHARD PERKINS
From: TOMMY J. BURNS, *Chief of Police*
Subject: Promotion

Congratulations. Effective July 3, 1995, you are hereby promoted to Captain. You are to be commended on your successful testing for this position, and I am sure that you will bring the same professionalism and integrity demonstrated in your past positions. Your assignment will be Commander of the Investigations Division.

Again, congratulations on your promotion and good luck in your new position.

TOMMY J. BURNS

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Dini and Hettrick:

Assembly Resolution No. 13—Designating certain members of the Assembly as regular and alternate members of the Legislative Commission.

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That pursuant to the provisions of NRS 218.660 and the Joint Rules of the Legislature, the following Assemblymen are designated regular and alternate members of the Legislative Commission to serve until their successors are designated: Mr. Joseph E. Dini, Jr., Ms. Christina R. Giunchigliani, Mr. Richard D. Perkins, Mrs. Joan A. Lambert, Mr. John C. Carpenter and Mrs. Jeannine Stroth are designated as the regular Assembly members; Mr. Bernard Anderson and Mrs. Marcia de Braga are designated as the first and second alternate members, respectively, for Mr. Joseph E. Dini, Jr.; Ms. Barbara E. Buckley and Mr. Douglas A. Bache are designated as the first and second alternate members, respectively, for Ms. Christina R. Giunchigliani; Mr. Larry L. Spitler and Mr. Robert E. Price are designated as the first and second alternate members, respectively, for Mr. Richard D. Perkins; Mr. Brian E. Sandoval and Mr. Thomas Batten are designated as the first and second alternate members, respectively, for Mrs. Joan A. Lambert; Mr. Peter G. Ernaut and Mr. Max J. Bennett are designated as the first and second alternate members, respectively, for Mr. John C. Carpenter; and Mrs. Deanna Braunlin and Mr. Dennis Nolan are designated as the first and second alternate members, respectively, for Mrs. Jeannine Stroth.

Assemblyman Hettrick moved the adoption of the resolution.

Remarks by Assemblyman Hettrick.

Resolution adopted.

Assemblyman Perkins moved that Assembly Bills Nos. 132, 198, 218, 245, 290, 291, 440, 462, 517, 560, 575, 598, 618, 646; Assembly Joint

Resolution No. 41; Senate Bills Nos. 36, 223, 298, 332, 377, 416 be placed on the General File immediately following Assembly Joint Resolution No. 42.

Motion carried.

Assemblyman Spitler moved that Assembly Bill No. 504 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 386.

Bill read third time.

Remarks by Assemblyman Steel.

Roll call on Assembly Bill No. 386:

YEAS—42.

NAYS—None.

Assembly Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 85 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Lambert moved that Assembly Bill No. 413 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Hettrick moved that Senate Bill No. 335 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 416 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 42.

Resolution read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Joint Resolution No. 42:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 42 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 132.

Bill read third time.

Remarks by Assemblymen Evans and Carpenter.
Roll call on Assembly Bill No. 132:
YEAS—38.
NAYS—Batten, Carpenter, Ernaut, Humke—4.

Assembly Bill No. 132 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 198.
Bill read third time.
Remarks by Assemblymen Ernaut, Steel and Bache.
Roll call on Assembly Bill No. 198:
YEAS—28.
NAYS—Batten, Bennett, Braunlin, Carpenter, Close, Evans, Giunchigliani, Perkins, Price, Sandoval, Steel, Stroth, Tripple, Mr. Speaker Hettrick—14.

Assembly Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 218.
Bill read third time.
Remarks by Assemblyman Fettic.
Roll call on Assembly Bill No. 218:
YEAS—42.
NAYS—None.

Assembly Bill No. 218 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:07 a.m.

ASSEMBLY IN SESSION

At 11:37 a.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 364, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 524, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Transportation, to which was referred Assembly Bill No. 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 310, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 292, 534, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Joint Resolution No. 43, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JACK D. CLOSE, *Chairman*

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA 89710

June 21, 1995

THE HONORABLE JOSEPH DINI and THE HONORABLE LYNN HETTRICK, *Speakers,* Nevada State Assembly, Carson City, Nevada 89710

DEAR ASSEMBLYMAN DINI and ASSEMBLYMAN HETTRICK:

I am herewith forwarding to you, for filing within the Constitutional time limit, and without my approval, Assembly Bill No. 43, entitled:

> An act relating to the Federal Government; clarifying the authority of an officer or employee of the Federal Government to enforce the provisions of the Statutes of Nevada or Nevada Revised Statutes and to exercise the powers of a peace officer in this state; and providing other matters properly relating thereto.

Numerous state, local and federal officials have expressed their concerns about Assembly Bill No. 43 to me. I am persuaded by their arguments that this bill would seriously undermine the current state of cooperation among the various federal, state and local law enforcement agencies and could potentially endanger the public safety of Nevada's citizens and visitors.

Among the most serious concerns expressed by these officials are:

1) Assembly Bill No. 43 creates unacceptable jurisdictional problems for task forces and federal-local cooperative arrangements that cross county lines. It would eliminate the ability of federal law enforcement officers or employees to enforce laws relating to a number of serious crimes. Under the Assimilative Crimes Act, the United States currently relies on state laws when there is no specific federal prohibition. Assembly Bill No. 43 would tie the hands of these federal employees trying to protect the public on federal lands.

2) Currently, federal rangers and agents routinely help state and local law enforcement efforts with both manpower and equipment. This bill would create potential liability for a federal peace officer who comes to the assistance of a trooper, county officer, brand inspector or a citizen in a remote area of Nevada without an existing cooperative agreement.

3) Under the bill, the state agencies would be prohibited from entering into a cooperative agreement with federal agencies for law enforcement; all the current cooperative agreements would be void. This would result in a lack of public safety coverage.

Assembly Bill No. 43 creates confusion, uncertainty and potential animosity in an arena which needs cooperation and assistance.

Sincerely,

BOB MILLER
Governor

SPECIAL ORDERS OF THE DAY

Assemblyman Perkins moved that vetoed Assembly Bill No. 43 of the 68th Session be made a Special Order of Business for Sunday, June 25, 1995, at 9:30 a.m.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Close moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Joint Resolution No. 43 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Close moved that Assembly Joint Resolution No. 43 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 558, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 43.

Resolution read third time.

Remarks by Assemblymen Fettic and Anderson.

Roll call on Assembly Joint Resolution No. 43:

YEAS—42.

NAYS—None.

Assembly Joint Resolution No. 43 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 245.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 245:

YEAS—40.

NAYS—Schneider.

Not voting—Spitler.

Assembly Bill No. 245 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 290.

Bill read third time.

Remarks by Assemblymen Harrington, de Braga, Tripple, Anderson, Bennett, Humke, Giunchigliani, Tiffany and Williams.

Conflicts of interest declared by Assemblymen Giunchigliani, Anderson, Bache and Williams.

Assemblyman Bennett requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HARRINGTON:

Thank you, Mr. Speaker. To you and through you, I'll explain the bill. Assembly Bill No. 290 is a very simple bill. A common sense bill. It says that teachers, secondary teachers, who have a specialized field such as computers, chemistry, biology, science or some kind of specialization, every five years as they take their required six credit hours of classes, that three of those credit hours or half of those credit hours, should be in their field of specialization such as a computer teacher who teaches computers, over the course of five years, would have to have some updated information dealing with that field. In addition to the fact they need to stay current in their field, it also shows that this person still has an interest in their own field and can have some enthusiasm for what they teach the students.

This bill, because in some fields there may be a need ever so often for a teacher to have an exemption from this requirement, has a built-in waiver that says if the teacher has good cause either to the lack of classes in their particular field or for other special personal needs, can get a waiver from this, by going to the superintendent of their school, and they could continue to get their courses in any field of specialization dealing with education. This concept was presented to the Commission on Professional Standards in Education by Mr. Hanlon, who is on the State Board of Education, and it was put on their agenda, but no action was taken with regard to this, although they did discuss it.

We feel that there is a real need for this because we have figures indicating that up to one-third of teachers do not take classes in their field of specialization. They take it in other fields. We could potentially have a computer teacher, after he graduated, never take a course in computer science which would clearly make him out of date. In addition to that, we have found that in the State of Nevada over 160 teachers are teaching out of their field of specialization. Many of these are in computers, science, math and in particular, where they have a great deal of difficulty getting these teachers. You can have a teacher teaching computers who is not a computer specialist, who has not had any training in computers and who has not taken any computer courses and yet they continue to teach computers for years on end. Same thing with math, science or any of the other fields.

This is just a common sense measure to allow teachers to be current in their field and to stay excited about their field and get the training that they need to be able to give the best quality education to children. It would have been nice if the Commission on Professional Standards in Education would have taken care of this when it was presented to them. Seeing that they failed to do that, we feel it is necessary that we do it in the Legislature. Thank you, very much.

ASSEMBLYMAN DE BRAGA:

Thank you, Mr. Speaker. I rise in opposition to Assembly Bill No. 290. It mandates that teachers complete three hours of credit in the area of specialization for relicensure. Currently, teachers can choose courses such as those needed for an advanced degree, or courses on methodology that would enhance their teaching skills. Teachers can also get credit for continuing education courses given as in service. This bill would take away choices and does not take into account the need of the individual teacher. It would also

create a severe hardship in rural areas for people who do not live near a college or a university and would discriminate against those who have dual licensures. I urge you to defeat this bill.

ASSEMBLYMAN TRIPPLE:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 290. I have been a teacher all of my life and will not go into how many years that is, but a number of those were spent in secondary schools. I can still remember the excitement as I learned new knowledge and as I took that knowledge back into the classroom. That excitement which I had was transferred to the students.

We're so concerned about teachers doing a good job today. I think that the most important thing that they can have toward doing that good job, is having an excitement about what they are teaching. I request your support for Assembly Bill No. 290.

ASSEMBLYMAN HARRINGTON:

Thank you, Mr. Speaker. To you and through you, as far as the elementary school goes, this bill does not apply. This bill only applies to secondary specialization and would only apply to you as a secondary teacher. You would need to take a class every five years to continue teaching or one that was in your initial field of specialization. Either one, it's your choice and you only need to take one of those classes so that if you continue to have the desire for example, to teach in those fields in which you are specialized, you would every five years need to take one class in that specialization or in your initial specialization if it was a secondary specialization.

You would only have to take the one class in one of the fields of specialization that you chose and you ask for a waiver in anything else and that would be surely granted without any difficulties.

This bill would require that in one of the specializations that you are continuing to teach, that you would have to take three credit hours because you are already required to take six credit hours and you can take three credit hours of anything you want. If you are a dedicated teacher and want to take more, that's great. There is nothing in this bill that would require you to do so.

I feel that if you are going to continue to teach in a specialized field, you stay current in that specialized field. In any specialized field, new knowledge is wonderful so that you can impart it to your students. I feel there is a need to stay current in your specialized field.

ASSEMBLYMAN BENNETT:

Thank you, Mr. Speaker. To you and through you to this distinguished body, I rise in support of Assembly Bill No. 290. The concerns that where brought forth to the committee in the waiver, the availability of special courses, was addressed. It was addressed in this very good amendment and we passed the amendment. Now it's on the floor before us today. In response to my colleague from District No. 31, you simply go to your superintendent or his designee and fill out your waiver and say, "I would prefer to take these and this is why." Show your good cause. A teacher in good standing has no trouble showing cause. This bill is simply what you see is what you get. It is endorsed by the State Board of Education; it is endorsed by the Clark County school system. It is a solid, common sense bill that needs to be passed. We urge your support.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of the bill. As a former teacher, a teacher a long time ago in an earlier life, it appears that there is one word to describe this bill, "reasonable." You know, we serve on certain committees in this Legislature that deal with a number of professions and one thing comes through consistently, the esteem that we have in our state. Statute is that professions do provide for a kind of a social contract with the state. If you practice a profession, you are in a contract with the State of Nevada. There are changes from time to time that this Legislature can make on the governments of those professions. I think this is a reasonable change. Thank you.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. First of all, I would like to disclose that I am a public school teacher. So is Mr. Anderson, so is Mr. Bache, so is Mr. Williams, but we are not affected

any differently than anyone else and we will be participating in voting. I will also disclose that Mr. Spitler attended school and graduated along with many of my other peers in this body.

I rise in opposition. I was not planning on speaking on this. I think what happens too often in legislation, from seeing it from the outside, you think something is very simple in how it works. In 1987, we created a board to license teachers, to upgrade our professionalism. So we are in the same standard as many other professions. We have many commissions that license their professional people and this body does not sit there and tell them what they must take or when they must take it.

Now the record to this legislation has been an extreme amount of distorted facts in the press and in the halls of this body. I do not know a single teacher who does not wish to be licensed, certified and upgraded in their area, not only in specialization, but also in skill areas that assist them in becoming a better teacher. And that does not always lend itself based on a course. You cannot mandate enthusiasm.

I'll be damned if I am going to grovel before my superintendent and ask them for permission to take classes I must or must not take. I am a professional. That is what upsets me about this legislation. Good teachers take care of it. There was no testimony brought forth on proof of problems. It was recently stated by my colleagues from the south that 160 individuals out of 13,000 teachers in this state were teaching outside their area.

The State Board of Education is the one who allowed them to teach outside their area, not the Commission on Professional Standards and not the superintendents. And in those areas, many of them are in the rural areas because they do not have access to the courses that they need to take in the first place, and that is some of the individuals that you will be affecting by this legislation.

I will also point out to you that in state regulation in the Nevada Administrative Code, it already requires us to take our courses in our areas of specialization, but allows the flexibility if we have additional endorsements or to teach different grade levels. This legislation is absolutely unnecessary.

ASSEMBLYMAN TIFFANY:

Thank you, Mr. Speaker. I am the sponsor of the bill and I am absolutely in support of this bill. You know, outside of the parent there is probably nobody more important in your children's education than the classroom teacher.

Assembly Bill No. 290 would require secondary teachers to remain simply current and competent in the field that they are teaching. Currently teachers are required to take six semester hours and all that we are asking is that three of those six be utilized to keep them current and competent in their field. Your vote for Assembly Bill No. 290 should not be a partisan vote. Assembly Bill No. 290 was discussed and voted on by the Clark County School District and by the Nevada State Board of Education. In fact, that is where the amendment came from. It is also supported by the secondary school task force, the Chamber of Commerce, the *Review Journal*, the *Las Vegas Sun* newspaper. This clearly is a nonpartisan issue.

Since most teachers are professionals and they take courses in their fields of licensure, this bill wouldn't impact people, like my other colleagues have talked about. It would, however, force teachers who are not professional or prepared to take course work that would benefit the students that they serve. Not themselves; the students. The simple fact of the matter is that there are too many hard-working, dedicated, caring professional teachers who deserve all the respect our state can muster. They have done a great job. They certainly do not deserve to have their reputations sullied by the few who do not choose to remain current and competent in the field of their specialty. This bill has built-in flexibility.

The teachers who are current and competent in their field, who might be better served by taking a course outside their area of specialty can do just that. Teachers in the rurals who do not have the convenient course available can have other options open to them. We addressed this at the time that we had the hearing; a waiver provision for Assembly Bill No. 290 to address such needs to allow teachers to take courses and technology classroom

management and better serve the needs of their students. So, I argue that this bill would impede a teacher's progress in obtaining additional endorsements for licensure. That was brought up as a concern. And, if three credit hours out of five years impedes your progress, it sure leaves a question about the teacher's commitment.

I have heard the argument that regulations already place a mandate that teachers take courses in their fields of endorsement. Well, there is a loophole so large that you could drive a semi through it. The final argument is up to the Professional Standard's Commission, and they should be the ones to adopt such a regulation. This was presented to them and using their own minutes in testimony, they chose not to address this issue.

The council of the chief state school offices reported Nevada's low standards of teacher licensures of all states that were reported. Let's change this statistic by passing Assembly Bill No. 290 and keeping our teachers current and competent in the field in which they teach. I beg you to support Assembly Bill No. 290.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. I rise in opposition to Assembly Bill No. 290 for all the right reasons and I would urge my colleagues to look at the bill. On the first lines of the bill, on lines two and three it deals with the commission. You are talking about the Commission on Professional Standards in Education.

This body, in 1987, created that commission and as far as I can research, as many people as I can talk to, as much as I can read and as much as I can observe, has always had the ideals and the idea that the commission whose ideas and the authority of proper credentials lies most appropriately within their profession. That is why this body, in 1987, created the Commission on Professional Standards in Education.

In 1987, Senate Bill No. 467 of the 64th Session on which Senator Rawson gave the remarks in the Senate, chaired the committee, made the motion on the floor and the bill passed 21-0. The honorable and current floor leader in the Senate, Senator Raggio, moved that all rules by suspended and that Senate Bill No. 467 which created the commission was transmitted to the Assembly where it passed 41-1. At that particular time, educators throughout this state felt that they were now viewed as professionals by this state. Professionals. Here we are, eight years, nine days later trying to tell these teachers who were proud on that particular day that we urge this body through the government to mandate your enthusiasm. But, while we do that we are going to do discriminatory practice to our school teachers, that say, "Look we don't care if you have enthusiasm or not, we are going to mandate that secondary teachers have enthusiasm." Everyone knows that if you are in education or not, you are going to need enthusiastic teachers at the elementary level.

They teach language arts, math and all the core subjects to young people. If we care about teachers being professional, why leave elementary teachers out of this? Let the commission do what they are suppose to do. My colleague and co-chair said the bottom line of this bill is that if it passes all of a sudden teachers will be enthusiastic.

In committee, we asked if there was any information out there that showed that teachers weren't taking the classes that are mandated by law. By listening to the remarks that teachers who are currently in the classrooms don't have a license, some of those in the classrooms haven't met the requirements mandated by statute that they need to take to have a license. All the teachers in the classrooms have licenses.

Luckily we have the advantage of the citizens' legislature so this body contains many of us from various professions. Would you want an engineer to pass judgement on the abilities of a doctor? Ask yourself that question. Would you want a telemarketer to pass judgement on the abilities of a journalist? Would you want to pass such judgement on engineers? Would you want car salesmen to pass judgement on real estate brokers?

Because we have a citizens' legislature, we do have the ability and the value of having those of who have many areas of expertise who serve in this body. We establish commissions to govern standards and abilities and those commissions are put into place by those who are part of that particular profession. Here we are, a whole array of different professions who are going to sit here and micromanage the commission that we set for education and the most important aspect of children's lives. We are going to sit here and

micromanage through this legislation. A legislature that only meets every two years, one of few in the nation. So, if we set this in policy, and something happens, we have to wait two years as a legislature to fix something that we set in commission.

The Commission on Professional Standards in Education indicated to us that there has never been an attempt, except by one individual making a public comment, to place this on an agenda. But, opposing this bill, what we term as coming in the backdoor, it appears to me that if we do not attempt to present this through the commission this Legislature put in place to deal with this. This is a backdoor approach in itself.

Mr. Speaker, I believe the place to start improving education was in 1987, when we created that commission. If we need to build on that or enhance that position, we need to go back to that commission or we will have resolutions coming out of our ears asking for reports from that commission. Why haven't we done that?

The committee and this body recently approved Assembly Bill No. 610 which asked the State Department of Education to look at courses that are no longer needed. Why can't we do the same thing with this? Get those in the education field to collectively look at things that the commission would want to do to correct it. It is not our job to do so. We did the best we could by creating that commission. Most of the problems that are brought to the commission are solved through regulations and through the State Department of Education. They are not addressed by the Legislature.

Again, if we mess up, we are threatening the lives of children. We have to wait until 1997 to try and fix it if we break it today. The amendment again suggests secondary teachers. There are a whole lot of elementary teachers out there and now we are going to pinpoint secondary teachers with a waiver we are going to give to a local superintendent for the license granted to a teacher. Now, we are going to make the local superintendent the one to grant the waiver. The local superintendent is not there when the problem exists. Do these people think that licenses make them a better teacher? Not necessarily so.

Just yesterday, this body passed out a bill that would allow school districts to deal with the gang law. As a teacher, you have children that are coming from areas that are susceptible to gangs, and you have a teacher who knows nothing about gang activities, that teacher may become a better teacher by taking some gang-awareness classes. Teachers can take all the speciality classes they want to in every university in the southwest, and if the kids don't want to sit down and behave, classroom discipline and classroom management may make that person a better teacher. When you pass legislation like this, you deter the professional attitudes of teachers and they tend to go back to the unnecessary and unwarranted sterotypical names that you give them. Let them be professionals, let us not give them any information that would determine they are not professionals.

Finally, Mr. Speaker, I would like to thank the Floor Leader for allowing me to bring this jug of water today. I've been accused of carrying water for these two bills for teachers and for various folks. I can say gladly that I have it here today. The most important thing about carrying this water is nobody asked me to do it. The NSEA didn't ask me to do it; the parents didn't ask me to do it. But if anyone wants to make claim to ownership of it, I'll gladly share it with them because I gladly carry it. I carry it for a number of people. I carry it for the 17,000 teachers of the NSEA, and those who do not belong to NSEA. I carry it for the teachers of the American Federation of Teachers, parents, students and for those teachers from Elko, Yerington and the rural areas, especially for those who can't get to the universities to take those classes in education. Sometimes, it is a 4½ hour drive to UNLV and a nine-hour drive to UNR. I carry it for those year-round teachers who say those classes start when they are teaching. I carry it for all those teachers who taught years ago, like my mother, who taught in a one-room school house. I can tell you that she and I have registered together to take a class at UNLV this summer. I know that this will make me a better teacher. I don't need people who say this body can tell me not to be taking something else. If anybody thinks this is negative, to carry something that is right for children, then accuse me of being guilty of caring. I will continue to care, and I see nothing wrong with that. I urge your support by defeating Assembly Bill No. 290.

Assemblymen Bache, Hettrick and Ernaut moved the previous question. Motion carried.

The question being on the passage of Assembly Bill No. 290.

Roll call on Assembly Bill No. 290:

YEAS—20.

NAYS—Anderson, Arberry, Bache, Buckley, Chowning, de Braga, Evans, Freeman, Giunchigliani, Goldwater, Krenzer, Manendo, Monaghan, Neighbors, Ohrenschall, Perkins, Price, Schneider, Segerblom, Spitler, Williams, Mr. Speaker Dini—22.

Assembly Bill No. 290 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 291.

Bill read third time.

Remarks by Assemblymen Harrington, de Braga, Stroth, Tripple, Carpenter, Williams and Tiffany.

Assemblyman Bennett requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HARRINGTON:

Thank you, Mr. Speaker. Assembly Bill No. 291 is also a simple bill. What we are trying to accomplish with this bill allows areas of special needs, especially in rural areas, to be satisfied with people who can satisfy those needs.

In order to accomplish that, if there is an area that is identified by the superintendent of schools who is in need of someone to teach physics, chemistry, math or computers, and finds a person who has that special skill, whether he has a Ph.D. in chemistry, physics or works at the Nevada Test Site, and who has special scientific knowledge, and if that need exists and if that person is willing to take six months or 15 credit hours in educational courses to prepare himself to teach, then they may allow that person to teach that particular course, and no other courses.

If he is a computer expert he can only teach computers. If he is a chemist, he can only teach chemistry. If he is willing to do that, they will allow him a conditional secondary license to that course and only that course. He cannot receive a full license unless he completes all the requirements for a teacher's license. He has to do that within five years and his conditional license is not renewable. He has to do that within the five-year period, and if he does comply with all of that, as with any other teacher who has completed all the other requirements for teaching, he can then apply for a full license and become a full-credential teacher.

During that five-year period, he could only teach that speciality for which they have a special need. This is particularly important in areas where they have trouble getting somebody with special training in chemistry, computers and math in areas in which they are lacking.

As I mentioned on the previous bill, we have 160 teachers in this state who are teaching out of their speciality and who don't have the training. But because there is a critical need, they have been teaching out of their speciality. This is another attempt to allow people with that type of expertise to come in and teach.

A point in case is myself. I am an MD. I teach college level paramedics. I teach doctoral students, people going for their MD, and also, I teach post-doctoral people during their residency. Yet, I would not be allowed to come in and teach a health class in a local high school, even if I took 15 hours worth of educational courses. There are schools that can clearly benefit from bringing in people who are experts in the field, particularly in those science fields that are so critical. I do urge your consideration of this and your vote for passage. It is just another common sense bill, but we will see how much common sense prevails.

ASSEMBLYMAN DE BRAGA:

Thank you, Mr. Speaker. I rise in opposition to this bill. The premise of this bill is that some people who have certain skills, or are experts in their fields, would automatically be good teachers. The assumption is that because they possess advanced knowledge they are capable of imparting that knowledge to others. This is not necessarily the case.

The bill establishes a double standard and provides a short cut to the classroom. Would the citizens of Nevada approve this policy change for doctors, lawyers or other professionals? I think not. Knowledge of a subject does not carry with it any teaching skills. I urge you not to weaken the standards for teachers. The expertise of individuals can be utilized through lectures and through other means or such individuals can fulfill the necessary requirements if they are dedicated to wanting to teach in their subject. Thank you.

ASSEMBLYMAN STROTH:

Thank you, Mr. Speaker. To you and through you to this distinguished body, I rise in support of Assembly Bill No. 291. I believe this bill would allow students to have the added advantage of being exposed to professionals who understand the application of the subject matter they teach. I also believe that any professional today who would want to go into junior or senior high classrooms must have a love for children and for imparting knowledge.

Many professional fields today already entail instruction in the day-to-day workplace, and therefore, are already competent instructors. Personally, I graduated from college with 33 hours of math and 18 hours of education. The educational courses that I took rarely helped me or prepared me for the classroom. Courses like the history of education and philosophy of education did nothing to prepare me for a classroom of junior high math, which included 27 boys and 3 girls.

I was sharing this with my neighbor here, and I said that there was no classroom instruction that could have prepared me to teach 27 boys in the seventh grade. He said that maybe sex education would have helped me.

I believe that those with degrees should be allowed to teach. The requirement is for 15 hours, and if those 15 hours were in methods of teaching their course field, I believe that they would be properly trained and I believe that our students would benefit from being exposed to the professional people who have degrees. Particularly, the fields we are talking about are math and science where those teachers are in short supply. I think it would be an advantage to our students to have contact with these people. I urge your support of Assembly Bill No. 291.

ASSEMBLYMAN TRIPPLE:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 291. I think that you have to realize that there are two points of view. We are talking about secondary education now.

We can argue the egg and chicken all day long. Which comes first, your subject matter depth or your understanding of teaching methods? Now you have to have both. If you are a beginning teacher and you come with your subject matter, or if you are 35 or 40 years old and you are real comfortable with that subject matter, you can give 100 percent of your attention to your students and to the learning process. But if you are young and you just memorized that subject matter, I don't care how many education courses you have, you are grasping for the subject matter, you can hardly see the students in the classroom.

I think that we ought to take advantage of these more mature students who already have their subject matter in hand, and have it so well in hand, that they don't have to worry about it. They can concentrate 100 percent on the learning process. Most people who go into teaching will tell you that the more important course is methods and that is required under this plan. Then they will tell you the next important course is student teaching. If the school is willing to have a mentor system, you can take an experienced teacher and a beginning teacher, and you will have a wonderful match.

I have a Master's Degree and a Doctorate in Education, more education courses than you and I would ever want to see. I think they were good courses, but they came after I had been teaching. I started with my subject matter, and I added the education. I am prejudiced but I think it is a wonderful mix. Thank you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 291. It seems to me that it should be a known factor that we should allow people who have experience and knowledge to teach our children. As I read this bill, one has to have 15 credits in learning

how to teach. It seems to me that we should take advantage of the knowledge and experience that is out there. Our students would be much better off with the knowledge that someone could impart to them.

ASSEMBLYMAN WILLIAMS:

Thank you, Mr. Speaker. I stand in opposition of Assembly Bill No. 291. Both these bills are a contradiction to each other. First, we are going to have a teacher that already has a license. We are going to dictate that they have to do more. Now we are going to tell those without a teacher's license, who have never been in a classroom and who have never been supervised by a supervising teacher or who have never done student teaching, that they can walk right in.

If that is the case, it would be to the advantage of people to go to college and get a degree in one area then walk into a classroom and have two professions at once. If that is the case, the student teachers at UNR/UNLV who are currently taking education classes surely have more than 15 hours. They might as well abort what they are doing and go straight into the classroom. They have three years to make that up. Why can't you do that in other professions? Why can't I walk into the emergency room with my colleague from Assembly District No. 2 and start being a doctor?

We heard last week from my colleague from Assembly District No. 13 who is a paramedic, that all one needs is a high school education, and two years of vocational training to be a paramedic. Why can't he just come to my colleague from Assembly District No. 2 and become a doctor? Why can't people that have 15 hours of paralegal come to my colleague from Assembly District No. 8 and start practicing law? In no other profession are we proposing to do this.

Having knowledge of something doesn't mean you can impart that knowledge on young people who need an education. That is what we are trying to do. Secondly, if we pass this bill, what we are doing is removing the responsibility of student teaching from the universities who are graduating our college students in education and placing them at the local school district level. I can tell you if you go around any school district in any state, at the beginning of the school year with so many things going on, the administrators are extremely busy. By law, they have to do a certain number of evaluations of those teachers in the classrooms. By the time the smoke clears at the beginning of the school year, maybe two months have passed before the principal gets a chance to evaluate.

Now if we let one of those backdoor, off the street teachers come in, who is bad, half the school year will be over before we find out that that bright Harvard graduate Ph.D. in engineering was in a classroom with kids and is having a terrible time. There is no method being administered to those kids to ensure they have an education. That is what we are going to allow them to do. It is very apparent that what we were talking about previously on the other bill, is that we want excellence from our teachers and we want enthusiasm.

I know the Clark County School District has applications stacked up from around the country from people who have credentials to teach that have studied to teach. You are going to let folks come in off the farm and walk right through the door and start teaching, because they have 15 credits to do so. That is what we are doing with Assembly Bill No. 291. If we do this again, we are lowering our standards.

The Commission on Professional Standards in Education is in the process at this particular time of working with 35 other states to create a situation where teachers will have the same basic standards. We will have some similarities and parallels. We've done some funny and strange things in this body before. But this is the "looniest tooniest" thing we will ever do, if we pass this bill. I urge its defeat.

ASSEMBLYMAN TIFFANY:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 291. Assembly Bill No. 291 will allow professionals with a minimum of a bachelor's degree to teach at a secondary level of education. This is it, in an area as identified by proven need. These professionals will be required to take a minimum of 15 credits of teaching courses even before setting foot in the classroom.

At this point, they would be required to finish all the other course work within a specific period of time. The State of Nevada currently has, and I didn't count them all, three pages

of teachers now teaching under what we call an "emergency license." If we look at past history and the exception report provided by the State Department of Education over the last decade, we are going to see that this is not unusual, it's more like business as usual.

Assembly Bill No. 291 again, should not be a partisan vote. The same people that voted and approved Assembly Bill No. 290 are the same for Assembly Bill No. 291. Teaching on a provisional or emergency license, in case the teacher doesn't have any common sense background, and knowing there is a teacher shortage, is real and documented, particularly in math, science, bilingual and special education. Our students are going to be involved with these teachers that are not competent enough in their content to teach.

In our competing with other industrialized countries, wouldn't you as a parent say, "Don't we want the best for our kids and the best opportunities for them when we look at global competition out there." Just look around at this body, we aren't from the farm; we aren't from the dregs of society; and yet, I've looked up in our book of how many of us have degrees. There is a majority of us with BA and BS degrees, that could do this if this bill passes as an alternative license.

What are we saying? We don't have anything to contribute? We have to stop turning these people away and shutting them out, who have so much to offer. Now we can take advantage of this resource of available, talented people. If you choose not to utilize these people with special knowledge, we will continue to have fewer teachers teaching math and science and the history teachers will be doing the same.

Here we have these people in our classrooms and we think they are knowledgeable and have the understanding of mathematical science. I think this is real suspect. Someone argued that having professionals in our schools, who gain their experience from some other form, might hurt or endanger our children. The fact is, Nevada is only one out of seven states currently that doesn't have alternative licenses. How many does that mean are hurting and damaging our children around the United States?

If we were to investigate the licensure in our state, the occupational education in business and industry allows the local school districts to hire trade people to teach vocational classes, and they don't have any degree. We have a two-tiered system now. For instance, students taking woodworking can achieve a math credit. A framer that teaches a class that grants credits in math can't have a degree, and he isn't taking any classes. Why can't a professional with a degree in math, with classes in teaching, teach that which grants a credit in math.

The shortage has been identified, and most of the other states in the nation, are utilizing the alternative licensing system very successfully. It's time that we did the same. Please vote positively, vote "Yes" for Assembly Bill No. 291. Thank you.

Assemblymen Perkins, Marvel and Hettrick moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 291.

Roll call on Assembly Bill No. 291:

YEAS—21.

NAYS—Anderson, Arberry, Bache, Buckley, Chowning, de Braga, Evans, Freeman, Giunchigliani, Goldwater, Krenzer, Manendo, Neighbors, Ohrenschall, Perkins, Price, Schneider, Segerblom, Spitler, Williams, Mr. Speaker Dini—21.

Assembly Bill No. 291 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 440.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 440:

YEAS—42.

NAYS—None.

Assembly Bill No. 440 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 462.

Bill read third time.

Remarks by Assemblymen Chowning, Harrington, Schneider, Steel, Monaghan, Fettic, Freeman, Ohrenschall, Price and Ernaut.

Conflict of interest declared by Assemblyman Monaghan.

Roll call on Assembly Bill No. 462:

YEAS—38.

NAYS—Carpenter, Steel, Mr. Speaker Dini—3.

Not voting—Monaghan.

Assembly Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 517.

Bill read third time.

Assemblyman Schneider moved that Assembly Bill No. 517 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Schneider.

Motion carried.

Assembly Bill No. 560.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 560:

YEAS—42.

NAYS—None.

Assembly Bill No. 560 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 575.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 575:

YEAS—42.

NAYS—None.

Assembly Bill No. 575 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 598.

Bill read third time.

Remarks by Assemblyman Batten.

Roll call on Assembly Bill No. 598:

YEAS—42.

NAYS—None.

Assembly Bill No. 598 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 618.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani and Close:

Amendment No. 1160.

Amend section 1, page 1, line 2, by deleting: "2, 3 and 3.5" and inserting: "2 to 3.7, inclusive,".

Amend the bill as a whole by adding a new section designated sec. 3.7, following sec. 3.5, to read as follows:

"Sec. 3.7. *1. A candidate for public office and a political party may each appoint one pollwatcher for each polling place to observe the conduct of an election.*

2. Except as otherwise provided by specific statute, a pollwatcher appointed pursuant to subsection 1 may observe any activity relating to the conduct of the election so long as he does not disrupt or interfere with the process of the election.

3. A pollwatcher must be permitted:

(a) To observe a polling place before and during the time that the polls are open for voting and after the polls are closed for voting on the day of the election.

(b) To observe a polling place for early voting at any time while the polls are open for voting.

4. The secretary of state shall establish by regulation the procedures for carrying out the provisions of this section.".

Amend sec. 13.7, page 9, line 2, after "a" by inserting: "*minimum of 5 registered voters and a*".

Amend sec. 13.7, page 9, line 4, after "a" by inserting: "*minimum of 5 registered voters and a*".

Amend the bill as a whole by adding a new section designated sec. 16.5, following sec. 16, to read as follows:

"Sec. 16.5 NRS 293.313 is hereby amended to read as follows:

293.313 1. Except as otherwise provided in NRS 293.272 and 293.502, any registered voter who provides sufficient written notice to the appropriate county or city clerk, may vote an absent ballot as provided in this chapter.

2. Any registered voter [who:

(a) Is at least 65 years old; or

(b) Has a physical disability or condition which substantially impairs his ability to go to the polling place,]

may request an absent ballot for all elections held during the year he requests [an] *the* absent ballot. [The registered voter shall include in his request a description of his physical disability or condition.]

3. As used in this section, "sufficient written notice" means a:

(a) Written request for an absent ballot which is signed by the registered voter and returned to the county clerk in person or by mail;

(b) Form prescribed by the secretary of state which is completed and signed by the registered voter and returned to the county clerk in person or by mail; or

(c) Form provided by the Federal Government.

4. A county clerk shall consider a request from a voter who has given sufficient written notice on a form provided by the Federal Government as a request for both the primary and general elections unless otherwise specified in the request.

5. It is unlawful for a person fraudulently to request an absent ballot in the name of another person or to induce or coerce another person fraudulently to request an absent ballot in the name of another person. A person who violates this subsection is guilty of a felony.''.

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 646.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 646:

YEAS—42.

NAYS—None.

Assembly Bill No. 646 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Joint Resolution No. 41.

Resolution read third time.

Remarks by Assemblymen Sandoval, Carpenter and Bennett.

Roll call on Assembly Joint Resolution No. 41:

YEAS—41.

NAYS—Buckley.

Assembly Joint Resolution No. 41 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 36, 223, 298, 332, 377, 135, 136, 261, 524, 525, 527, 528; Senate Joint Resolutions Nos. 20, 23 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

Assemblyman Perkins moved that all rules be suspended and that Assembly Bills Nos. 132, 198, 218, 245, 386, 440, 462, 560, 575, 598, 646; Assembly Joint Resolutions Nos. 41, 42, 43 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Perkins moved that Assembly Bills Nos. 292, 310, 534, 552, 558, 587, 634, 656; Senate Bills Nos. 35, 144, 208, 219, 309, 369, 417, 426, 558; Senate Joint Resolution No. 22 be placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 504.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1024.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 11 as sections 2 through 10.

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to collection agencies; revising the definition of "claim";".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 85.

Bill read third time.

The following amendment was proposed by Assemblymen Anderson, Harrington, Humke and Williams:

Amendment No. 1145.

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

"Sec. 2. NRS 392.467 is hereby amended to read as follows:

392.467 1. Except as otherwise provided in subsections 4 and 5, the board of trustees of a school district may authorize the suspension or expulsion of any pupil from any public school within the school district.

2. Except as otherwise provided in subsection 5, no pupil may be suspended or expelled until [he has been given notice] *10 days after the school has sent, by certified mail, a written notice to his parents or guardians, notifying the parents or guardians and the pupil* of the charges against [him, an explanation of] the *pupil, the* evidence *supporting the charges,* and [an opportunity for] *the pupil's right to* a hearing [,] *and to representation by an attorney at the hearing,* except that a pupil who poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process or who is selling or distributing any controlled substance or is found to be in possession of a dangerous weapon as provided in

NRS 392.466 may be removed from the school immediately upon being given an explanation of the reasons for his removal, and pending proceedings, to be conducted as soon as practicable after removal, for his suspension or expulsion.

3. The provisions of chapter 241 of NRS do not apply to any hearing conducted pursuant to this section. Such hearings must be closed to the public.

4. The board of trustees of a school district shall not authorize the expulsion, suspension or removal of any pupil from the public school system solely because the pupil is declared a truant or habitual truant in accordance with NRS 392.130 or 392.140.

5. A pupil who is participating in a program of special education pursuant to NRS 388.520, other than a pupil who is gifted and talented, may, in accordance with the procedural policy adopted by the board of trustees of the school district for such matters, be:

(a) Suspended from school pursuant to this section for not more than 10 days.

(b) Suspended from school for more than 10 days or permanently expelled from school pursuant to this section only after the board of trustees of the school district has reviewed the circumstances and determined that the action is in compliance with the Individuals with Disabilities Education Act (20 U.S.C. §§ 1400 et seq.).".

Amend the title of the bill, second line, after "firearm;" by inserting: "revising certain provisions governing the procedure for suspending or expelling pupils;".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing suspension or expulsion of pupils. (BDR 34-656)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 413.

Bill read third time.

The following amendment was proposed by Assemblyman Lambert:

Amendment No. 1136.

Amend sec. 2.5, page 1, by deleting lines 10 and 11 and inserting:

"Sec. 2.5. The provisions of this chapter do not apply to any region of this state for which there has been established by interstate compact a regional planning agency.".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 335.

Bill read third time.

The following amendment was proposed by Assemblyman Hettrick:

Amendment No. 1170.

Amend section 1, page 1, by deleting line 11 and inserting: "*to have in his actual physical possession any firearm which he is brandishing or aiming or with which he is otherwise endangering himself or others. This prohibition does*".

Assemblyman Hettrick moved the adoption of the amendment.

Remarks by Assemblyman Hettrick.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 364, 524 be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 364.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1169.

Amend section 1, page 1, line 4, after "*county*" by inserting: ", *upon recommendation of the appropriate court,*".

Amend section 1, page 2, line 15, by deleting "*179.059;*" and inserting "*176.059;*".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 524.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1171.

Amend sec. 11, page 3, lines 13 and 14, by deleting: "*regulation: (a) A*" and inserting "*regulation, a*".

Amend sec. 11, page 3, by deleting lines 17 and 18.

Amend the bill as a whole by deleting sec. 13 and inserting:

"Sec. 13. (Deleted by amendment.)".

Amend the title of the bill by deleting the fifth and sixth lines and inserting: "conduct a family foster home; providing a penalty; and provid-".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Assembly Bill No. 720 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 720.

Bill read third time.

Remarks by Assemblymen de Braga, Evans, Mr. Speaker Dini, Freeman and Carpenter.

Roll call on Assembly Bill No. 720:

YEAS—41.

NAYS—None.

Absent—Ernaut.

Assembly Bill No. 720 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that the vote whereby Assembly Bill No. 663 was lost be rescinded.

Motion carried on a division of the house.

Assemblyman Perkins moved that Assembly Bill No. 663 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Perkins.

Motion carried.

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

Assembly in recess at 1:30 p.m.

ASSEMBLY IN SESSION

At 1:54 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 697, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 21, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 510 and requests a conference, and appointed Senators McGinness, Porter and Adler as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolution No. 43.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 84, 308, 311, 428, 464, 473, 504, 519, 541.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 248.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 539.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Joint Resolution No. 24.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 24.

Assemblyman Perkins moved that the resolution be referred to the Committee on Judiciary.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 84.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 308.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 311.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 428.

Assemblyman Perkins moved that the bill be referred to the Concurrent Committees on Health and Human Services and Ways and Means.

Motion carried.

Senate Bill No. 464.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 473.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 504.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 519.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 541.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 292.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 990.

Amend section 1, page 1, by deleting lines 7 through 24, and inserting: "*125.150, the court shall not make a disposition of any interest in or entitlement to a pension or retirement benefit unless the benefit is vested.*

2. In making a disposition of a pension or retirement benefit which is vested, the court:".

Amend section 1, page 2, line 3, after "*consider*" by inserting: "*the amount of*".

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

"*(1) A party is not entitled to receive benefits payable under the Federal Social Security Act or will have his pension or retirement benefits reduced by an offset under that act because the party has an interest in or entitlement to a pension or retirement benefit; and*".

Amend section 1, page 2, by deleting lines 11 through 27 and inserting:

"*3. In determining the value of an interest in or entitlement to a pension or retirement benefit pursuant to this section to which only one party to the divorce has contributed, the court:*

(a) Shall base its determination upon the number of years or portion thereof that the contributing party was employed and received the interest or entitlement, beginning on the date of the marriage and ending on the date on which a decree of legal separation or divorce is entered; and

(b) Shall not base its determination upon any estimated increase in the value of the interest or entitlement resulting from a promotion, raise or any other efforts made by the party who contributed to the interest or entitlement as a result of his continued employment after the date of a decree of legal separation or divorce.

4. If a pension or retirement plan provides for the payment of pension or retirement benefits directly to a party who is not a participant in the plan,

the court shall, in making a disposition of the pension or retirement benefits pursuant to this section, require the benefits to be paid, in whole or in part, commencing:

(a) On the date the divorce is granted;

(b) On the date the participating party becomes eligible for retirement; or

(c) On any date specified by agreement of the parties.

5. If a pension or retirement plan does not provide for the payment of pension or retirement benefits directly to a party who is not a participant in the plan but provides for the payment of such benefits only upon the retirement of the participating party, the court shall not, in making a disposition of the pension or retirement benefits pursuant to this section, require the benefits to be paid before the date on which the participating party retires. To ensure that the party who is not a participant will receive payment for the benefits, the court may:

(a) On its own motion or pursuant to an agreement of the parties, require the participating party to furnish a performance or surety bond, executed by the participating party as principal and by a corporation qualified under the laws of this state as surety, made payable to the party who is not a participant under the plan, and conditioned upon the payment of the pension or retirement benefits. The bond must be in a principal sum equal to the amount of the determined interest of the nonparticipating party in the pension or retirement benefits and must be in a form prescribed by the court.

(b) On its own motion or pursuant to an agreement of the parties, require the participating party to purchase a policy of life insurance. The amount payable under the policy must be equal to the determined interest of the nonparticipating party in the pension or retirement benefits. The nonparticipating party must be named as a beneficiary under the policy and must remain a named beneficiary until the participating party retires.

(c) Pursuant to an agreement of the parties, increase the value of the determined interest of the nonparticipating party in the pension or retirement benefit as compensation for the delay in payment of the benefit to that party.

(d) On its own motion or pursuant to an agreement of the parties, allow the participating party to provide, upon written consent of the nonparticipating party, any other form of security which ensures the payment of the determined interest of the nonparticipating party in the pension or retirement benefit.".

Amend section 1, page 2, line 28, by deleting "*5. If,*" and inserting:

"*6. Except as otherwise provided in subsection 4, if,*".

Amend section 1, page 2, by deleting lines 31 through 34 and inserting: "*disposition, the interest or entitlement and any related obligation to pay that interest or entitlement terminates upon the death of either party.*".

Amend the bill as a whole by adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. The provisions of section 1 of this act apply to any action filed on or after the effective date of this act.

Sec. 4. This act becomes effective upon passage and approval.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 310.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1168.

Amend section 1, page 1, line 2, by deleting "directory" and inserting "pamphlet".

Amend section 1, page 1, line 4, by deleting "directory must" and inserting "pamphlet may".

Amend section 1, page 1, line 19, after "services;" by inserting "and".

Amend section 1, page 1, by deleting line 20.

Amend section 1, page 2, line 1, by deleting "(m)" and inserting "(l)".

Amend section 1, page 2, line 4, by deleting "directory" and inserting "pamphlet".

Amend sec. 2, page 2, line 6, by deleting "$8,500" and inserting "$7,000".

Amend sec. 2, page 2, line 7, by deleting "$8,500" and inserting "$7,000".

Amend the bill as a whole by deleting sec. 4.

Amend the title of the bill, second line, by deleting "directory" and inserting "pamphlet".

Amend the summary of the bill, second line, by deleting "directory" and inserting "pamphlet".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 534.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1103.

Amend the bill as a whole by deleting sections 1 through 7 and renumbering sec. 8 as section 1.

Amend the bill as a whole by deleting sec. 9.

Amend the title of the bill to read as follows: "An Act relating to children; increasing the criminal penalty for the abduction of a child by a parent with joint legal custody; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Increases criminal penalty for abduction of child by parent with joint legal custody. (BDR 15-631)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 552.

Bill read second time.

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

Amendment No. 875.

Amend section 1, page 1, line 16, by deleting "[law,] workman's" and inserting: "[law, workman's] *workers'*".

Amend the bill as a whole by deleting sec. 4 and inserting:

"Sec. 4. (Deleted by amendment.)".

Amend sec. 5, page 3, lines 41 and 42, by deleting "*benefits*" and inserting "*compensation*".

Amend the bill as a whole by deleting sections 7 through 9 and inserting:

"Secs. 7-9. (Deleted by amendment.)".

Amend sec. 10, page 4, line 40, by deleting "*10 days*" and inserting: "*24 hours or by the end of the next working day*".

Amend sec. 12, page 4, line 48, by deleting "*agent*" and inserting: "*third-party administrator*".

Amend sec. 12, page 5, line 2, after "*insurer*" by inserting: "*and, if necessary, licensed pursuant to chapter 683A of NRS,*".

Amend sec. 12, page 5, by deleting lines 10 through 18.

Amend sec. 12, page 5, line 19, by deleting "*3.*" and inserting "*2.*".

Amend sec. 14, page 5, by deleting lines 38 through 43 and inserting: "*authorized by the commissioner pursuant to chapter 680A of NRS and maintain such security of the kind described in NRS 680A.120 and 680A.140 as may be required.*".

Amend sec. 15, page 5, line 48, by deleting the semicolon and inserting: "*and regulations adopted pursuant to those chapters;*".

Amend sec. 16, page 6, line 5, by deleting "*beneficiaries*" and inserting "*dependents*".

Amend sec. 17, page 6, by deleting lines 25 through 34 and inserting:

"*3. If an insurer or employer intends to cancel or renew a policy of insurance issued by the insurer pursuant to this chapter and chapter 617 of NRS, the insurer or employer must give notice to that effect in writing to the administrator and to the other party fixing the date on which it is proposed that the cancellation or renewal becomes effective. The notices must comply with the provisions of NRS 687B.310 to 687B.355, inclusive, and must be served personally on or sent by first-class mail to the administrator and the other party. If the employer has secured insurance with another insurer which would cause double coverage,*".

Amend sec. 19, page 7, line 5, by deleting "*certification*" and inserting "*authorization*".

Amend sec. 22, page 7, by deleting line 26 and inserting:

"Sec. 22. *1. The commissioner shall suspend the authorization of a private*".

Amend sec. 22, page 7, line 27, by deleting "*administrator*" and inserting "*commissioner*".

Amend sec. 22, page 7, line 28, by deleting "*and*" and inserting "*or*".

Amend sec. 22, page 7, by deleting line 31 and inserting:

"*2. Before the commissioner suspends the authorization of a private carrier,*".

Amend sec. 22, page 7, by deleting lines 34 and 35 and inserting:

"*3. Before the suspension of the authorization, the commissioner shall give written notice to the private carrier by certified mail that its authorization will be suspended*".

Amend sec. 22, page 7, line 38, by deleting "*administrator.*" and inserting "*commissioner.*".

Amend sec. 22, page 7, line 40, by deleting "*administrator*" and inserting "*commissioner*".

Amend sec. 22, page 7, line 46, by deleting "*administrator*" and inserting "*commissioner*".

Amend sec. 22, page 7, line 47, by deleting "*certification*" and inserting "*authorization*".

Amend sec. 22, page 8, by deleting lines 1 and 2 and inserting:

"*6. If the private carrier does not comply with the order of the commissioner during the period of suspension of the authorization, the commissioner shall*".

Amend sec. 23, page 8, line 12, by deleting "*physician*" and inserting: "*treating physician or chiropractor*".

Amend sec. 29, page 10, lines 11 and 12, by deleting: "*a corporation qualified under the laws of this state*" and inserting: "*an insurer authorized pursuant to chapter 680A of NRS*".

Amend sec. 30, page 10, line 30, by deleting "*administrator*" and inserting "*manager*".

Amend sec. 44, page 14, line 30, by deleting: "*receive* benefits [under]" and inserting: "[benefits under] *receive compensation*".

Amend the bill as a whole by deleting sections 45 through 52 and inserting:

"Secs. 45-52. (Deleted by amendment.)".

Amend sec. 53, page 16, line 43, after "*Certify*" by inserting "*or authorize*".

Amend sec. 53, page 17, line 1, after "*certification*" by inserting "*or authorization*".

Amend sec. 53, page 17, line 4, after "insurers" by inserting: ", *authorizing private carriers pursuant to chapter 680A of NRS*".

Amend sec. 53, page 17, line 9, by deleting "[, and] ;" and inserting "[,] ; and".

Amend sec. 53, page 17, line 10, by deleting: "NRS [.] ; *and*" and inserting "NRS.".

Amend sec. 53, page 17, by deleting line 11.

Amend sec. 53, page 17, by deleting line 39 and inserting: "[employer's or association's certification] *employer or association or the authorization of a private*".

Amend sec. 54, page 18, by deleting line 35 and inserting: "6. If the [manager or] *administrator,* any".

Amend sec. 56, page 19, line 28, by deleting the open bracket.

Amend sec. 56, page 19, line 30, by deleting the closed bracket.

Amend sec. 56, page 19, line 36, by deleting "*5.*" and inserting "*6.*".

Amend sec. 56, page 19, line 41, by deleting "*6.*" and inserting "*7.*".

Amend sec. 61, page 21, line 25, by deleting: "employer , [or]" and inserting "employer or".

Amend sec. 61, page 21, line 26, after "*or*" by inserting: "*the authorization of*".

Amend sec. 79, page 29, lines 13 and 14, by deleting: "[system or] administrator" and inserting: "[system] *insurer* or administrator , *as appropriate,*".

Amend the bill as a whole by deleting sec. 87 and inserting:

"Sec. 87. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 98 and 99 and inserting:

"Secs. 98 and 99. (Deleted by amendment.)".

Amend sec. 104, page 42, line 5, by deleting "equal to" and inserting: "[equal to] *of not more than*".

Amend sec. 104, page 42, line 9, after "years." by inserting: "*Any money collected by the administrator pursuant to this subsection must be deposited into the uninsured employers' claim fund.*".

Amend sec. 104, page 42, by deleting lines 20 and 21 and inserting: "An employer who is aggrieved by [the manager's] *a* determination *made pursuant to this section or NRS*".

Amend sec. 109, page 45, line 2, by deleting "616.630," and inserting "[616.630,]".

Amend sec. 109, page 45, by deleting line 5 and inserting:

"4. [Two or more fines of $1,000] *Fines in a cumulative amount of at least $5,000* imposed in 1 year for acts".

Amend sec. 109, page 45, line 8, by deleting: "employer , [or]" and inserting "employer or".

Amend sec. 109, page 45, line 9, before "*a private*" by inserting: "*the authorization of*".

Amend sec. 109, page 45, by deleting line 15 and inserting: "employer or an association of self-insured public or private employers *or the authorization of*".

Amend sec. 111, page 45, line 27, by deleting "*beneficiaries*" and inserting "*dependents*".

Amend sec. 119, page 48, line 22, by deleting "An" and inserting: "[An] *Except as otherwise provided in subsection 7, an*".

Amend sec. 119, page 48, by deleting lines 45 through 47 and inserting:

"7. [The manager of the state industrial insurance system shall increase by not more than 15".

Amend sec. 119, page 49, line 4, by deleting "*8.*".

Amend sec. 119, page 49, line 5, by deleting "*pursuant to subsection 7*".

Amend sec. 119, page 49, by deleting line 8 and inserting: "ums among those employers.] *An employer who has 10 or fewer employees is exempted from the provisions of this section unless the employer has been identified pursuant to NRS 616.380 as having excessive losses.*".

Amend the bill as a whole by adding a new section designated sec. 119.5, following sec. 119, to read as follows:

"Sec. 119.5. NRS 618.383 is hereby amended to read as follows:

618.383 1. Except as otherwise provided in subsection 7, an employer shall establish a written safety program and carry out the requirements of the program within 90 days after it is established.

2. The written safety program must include:

(a) The establishment of a training program for employees concerning safety in the workplace, particularly in those areas where there have been recurring injuries.

(b) If an employer has more than 25 employees, the establishment of a safety committee. The safety committee must include representatives of employees. If the employees are represented by a labor organization, the representatives of employees must be selected by the employees and not appointed by the employer.

3. A representative of employees while engaging in the business of a safety committee, including attendance at meetings, authorized inspections or any other activity of the committee, must be paid by his employer as if that employee were engaged in his usual work activities.

4. The administrator of the division shall adopt regulations establishing the minimum requirements for a written safety program.

5. The administrator of the division shall develop and provide each employer with a written guide for establishing a written safety program.

6. An employer who contracts with a temporary employment service shall provide specialized training concerning safety for the employees of the service before they begin work at each site or as soon as possible thereafter.

7. An employer who has 10 or fewer employees is exempted from the provisions of this section . [unless the employer has been identified pursuant to NRS 616.380 as having excessive losses.]".

Amend sec. 120, page 49, line 13, by inserting an open bracket before "benefits".

Amend sec. 120, page 49, by deleting line 14 and inserting: "insurance.] *compensation required by chapters 616 and 617 of NRS.*".

Amend sec. 120, page 49, by deleting lines 24 and 25 and inserting: "616 or 617 of NRS or in the provision of [industrial insurance benefits;] *compensation required by chapters 616 and 617 of NRS;*".

Amend sec. 120, page 49, by deleting line 33 and inserting: "of [benefits for industrial insurance;] *compensation required by chapters 616 and 617 of NRS;*".

Amend sec. 120, page 49, line 34, by deleting "benefits" and inserting "[benefits] *compensation*".

Amend sec. 120, page 49, by deleting line 44 and inserting: "of NRS or in the provision of [benefits for industrial insurance.] *compensation required by chapters 616 and 617 of NRS.*".

Amend sec. 120, page 50, by deleting line 10 and inserting: "the provision of [industrial insurance benefits.] *compensation required by chapters 616 and 617 of NRS.*".

Amend sec. 122, page 51, line 9, by deleting "workmen's" and inserting "[workmen's] *workers'*".

Amend sec. 127, page 55, by deleting lines 5 through 8 and inserting: "defined in NRS 354.474, conservation districts, irrigation districts , *the state industrial insurance system* and the University and Community College System of Nevada.".

Amend sec. 131, page 56, line 25, by deleting "*workmen's*" and inserting "*workers'*".

Amend sec. 134, page 58, by deleting lines 8 and 9 and inserting:

"(b) If the employer maintains a plan which supplements [workmen's compensation coverage] *coverage for workers' compensation* provided *pursuant to chapter 616 of*".

Amend the bill as a whole by deleting sec. 139 and inserting:

"Sec. 139. (Deleted by amendment.)".

Amend sec. 148, page 60, line 42, by deleting "*benefits*" and inserting "*compensation*".

Amend sec. 153, page 61, line 13, after "*information.*" by inserting: "*The designation must be made pursuant to reasonable competitive bidding procedures established by the commissioner.*".

Amend sec. 157, page 62, line 23, by deleting: "*on the same date as*" and inserting: "*at least 60 days before*".

Amend sec. 157, page 62, line 24, after "*persons.*" by inserting: "*The rates shall be deemed to be approved unless they are disapproved by the commissioner within 60 days after they are filed.*".

Amend sec. 157, page 62, line 27, after "*classification*" by inserting: ", *when approved,*".

Amend sec. 158, page 62, line 36, by deleting "*30*" and inserting "*60*".

Amend sec. 158, page 62, line 42, by deleting "*30*" and inserting "*60*".

Amend sec. 159, page 63, line 1, by deleting "*30*" and inserting "*60*".

Amend sec. 162, page 63, line 40, by deleting "*30*" and inserting "*60*".

Amend sec. 162, page 64, line 2, by deleting "*30*" and inserting "*60*".

Amend sec. 169, page 65, by deleting line 36 and inserting: "*costs pursuant to NRS 679B.290.*".

Amend sec. 169, page 65, line 37, by deleting "*any*" and inserting "*an*".

Amend sec. 169, page 65, by deleting line 38 and inserting: "*an examination made by the agency of another state that regulates insurance.*".

Amend sec. 170, page 65, line 39, by deleting "*1.*".

Amend sec. 170, page 66, by deleting lines 1 through 6.

Amend sec. 171, page 66, by deleting lines 9 through 13 and inserting: "*request a hearing before the commissioner.*".

Amend the bill as a whole by deleting sections 179 through 181 and inserting:

"Secs. 179-181. (Deleted by amendment.)".

Amend sec. 184, page 71, by deleting lines 8 and 9 and inserting:

"8. Any transaction or combination of transactions between a person,".

Amend sec. 184, page 71, line 13, by deleting "[9.] *10.*" and inserting "9.".

Amend sec. 184, page 71, line 14, by deleting "entity." and inserting: "entity [.] *or industrial insurance provided by the state industrial insurance system.*".

Amend sec. 186, page 73, line 13, by deleting "*certified*" and inserting "*authorized*".

Amend sec. 187, page 73, line 21, after "616.390," by inserting "616.397,".

Amend sec. 187, page 73, line 24, after "616.499," by inserting "616.5014,".

Amend sec. 188, page 73, by deleting lines 25 through 27 and inserting:

"Sec. 188. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.".

Amend sec. 189, page 73, line 29, by deleting "four" and inserting "eight".

Amend sec. 189, page 73, by deleting lines 31 through 33 and inserting:

"2. The majority leader of the senate and the minority leader of the senate shall each appoint two members of the committee. The speaker of the assembly shall appoint four members of the committee, not more than two of whom may be members of the same political party.".

Amend sec. 190, pages 73 and 74, by deleting line 48 on page 73 and lines 1 through 33 on page 74, and inserting:

"Sec. 190. The legislative committee shall:

1. Study the current financial condition of the state industrial insurance system.

2. Determine the extent of the apparent insolvency of the system.

3. Develop a plan to return the system to a condition of solvency.".

Amend sec. 192, page 74, by deleting lines 38 through 41 and inserting:

"Sec. 192. 1. The legislative committee to study the solvency of the state industrial insurance system shall submit to the legislative commission for its approval a plan to ensure the solvency of the system and any recommendations for legislation addressing the solvency of the system before December 1, 1996.

2. After approval of the plan by the legislative commission, the governor shall carry out the plan when he determines and declares that the system is no longer financially viable.".

Amend sec. 193, page 74, line 44, after "elects to" by inserting: "self-insure, join an association of self-insured private or public employers or".

Amend sec. 195, page 75, line 9, by deleting "2" and inserting "5".

Amend sec. 196, page 75, line 17, by deleting "monthly" and inserting "quarterly".

Amend sec. 197, page 75, line 21, after "sections" by inserting: "119, 188 to 192, inclusive,".

Amend the bill as a whole by adding the leadlines of NRS 616.397 and 616.5014 to the leadlines of repealed sections.

Amend the title of the bill to read as follows: "An Act relating to industrial insurance; providing for industrial insurance by private insurers; establishing procedures for the collection of delinquent premiums by the state industrial insurance system; providing for state supervision of rates and related advisory organizations; exempting the state industrial insurance system from certain administrative requirements applicable to executive agencies generally; creating a legislative committee to study the solvency of the system; providing penalties; and providing other matters properly relating thereto.".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:06 p.m.

ASSEMBLY IN SESSION

At 2:14 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 558.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1018.

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

"Section 1. NRS 487.002 is hereby amended to read as follows:

487.002 1. [As used in this section:

(a) "Commissioner" means the commissioner of insurance.

(b) "Department" means the department of motor vehicles and public safety.

2. The advisory board on automotive affairs, consisting of seven members appointed by the governor, is hereby created within the division of insurance of the department of business and industry.

3. The governor shall appoint to the board one representative of:
(a) The commissioner;
(b) The department;
(c) Licensed operators of body shops;
(d) Licensed automobile wreckers;
(e) Insurers of motor vehicles;
(f) Automobile manufacturers; and
(g) The general public.

4. After the initial terms, each member of the board serves a term of 4 years. The members of the board shall annually elect from among their number a chairman and a vice chairman. The commissioner shall provide secretarial services for the board.

5. The board shall meet regularly at least twice each year and may meet at other times upon the call of the chairman. Each member of the board is entitled to the per diem allowance and travel expenses provided for state officers and employees generally.

6. Not less than 30 days before the adoption by the commissioner or the department of any regulation pursuant to subsection 7 or otherwise relating to the operation of body shops or auto wreckers, the commissioner or the director, as appropriate, shall submit the proposed regulation to the board for its review and comment.

7.] The commissioner and the department, jointly, shall adopt [and the board may propose, pursuant to NRS 233B.100, regulations to the appropriate agency] *regulations* concerning:

(a) The use of new or used parts for the repair of motor vehicles and parts that are not manufactured by the manufacturers of the motor vehicles for which they are used.

(b) The survey methodology that may be used by an insurer to ascertain prevailing charges for the repair of a motor vehicle.

(c) The preferred use of a business which repairs motor vehicles by an insurer of motor vehicles.

2. As used in this section:

(a) "Commissioner" means the commissioner of insurance.

(b) "Department" means the department of motor vehicles and public safety.".

Amend sec. 2, page 1, line 15, by deleting: "business . [, except" and inserting "business, except".

Amend sec. 2, page 1, by deleting line 16 and inserting: "tions adopted pursuant to paragraph (c) of subsection [7] *1* of NRS 487.002.".

Amend the bill as a whole by deleting sec. 3.

Amend sec. 4, page 1, line 21, by deleting "1995." and inserting "1997.".

Amend the bill as a whole by deleting the text of the repealed section.

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 587.

Bill read second time.

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

Amendment No. 874.

Amend sec. 2, page 1, by deleting line 8 and inserting:

"*(b) Not more than $10,000 for each act of willful deception;*".

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. NRS 616.252 is hereby amended to read as follows:

616.252 1. Any offender confined at the state prison, while engaged in work in a prison industry *or work* program, whether the [prison industry] program is operated by an institution of the department of prisons , *by contract with a public entity* or by a private employer, is entitled to coverage under the modified program of industrial insurance established by regulations adopted by the system when the director of the department of prisons requests such coverage and complies with the provisions of the regulations, and coverage is approved by the system.

2. An offender is limited to the rights and remedies established by the provisions of the modified program of industrial insurance established by regulations adopted by the system. The offender is not entitled to any rights and remedies established by the provisions of chapters 616 and 617 of NRS.

3. The system shall, in cooperation with the department of prisons and the risk management division of the department of administration, adopt regulations setting forth a modified program of industrial insurance to provide offenders with industrial insurance against personal injuries arising out of and in the course of their work in a prison industry *or work* program.".

Amend sec. 6, page 3, by deleting lines 7 through 13 and inserting:

"3. *If an employee elects to receive his award for a permanent partial disability in a lump sum pursuant to NRS 616.607 and a criminal action is brought against the employee for an alleged violation of NRS 616.675, the insurer shall, upon receiving notice of the action and until a judgment is entered in the action, pay reasonable portions of the lump sum award in monthly installments. If the employee is not convicted of the alleged violation, the insurer shall pay the employee the balance of the award in a lump sum. The provisions of subsection 2 do not apply*".

Amend sec. 7, page 3, by deleting lines 19 and 20 and inserting: "of NRS 616.285 [has] *:*

(a) Has failed to provide and secure compensation as required by the terms of this chapter [,] *; or*

(b) Has provided and secured such compensation but has failed to maintain that compensation,

he shall make a determination thereon and *may* charge".

Amend sec. 7, page 3, line 24, by deleting "or securing" and inserting: ", [or] securing *or maintaining that*".

Amend sec. 7, page 3, line 29, by deleting "and secure" and inserting: ", [and] secure *or maintain*".

Amend sec. 9, page 4, by deleting lines 14 through 23 and inserting: "616.683, inclusive, any person who knowingly makes a false statement or representation , *including, but not limited to, a false statement or representation relating to his identity or the identity of another person,* or who knowingly conceals a material fact to obtain or attempt to obtain any benefit, including a controlled substance, or payment under the provisions of this chapter, either for himself or for any other person, shall be punished as follows:

1. If the amount of the benefit or payment obtained or attempted to be obtained was less than $250, for a misdemeanor.

2. If the amount of the benefit or payment obtained or attempted to be obtained was $250 or more, by imprisonment in the state prison for not less than 1 year nor more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.".

Amend sec. 17, page 9, by deleting lines 10 and 11 and inserting: "*applicant or holder of a contractor's license has engaged in business as or acted in the capacity of*".

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

"Sec. 20. Section 9 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the bill by deleting the sixth and seventh lines and inserting: "fits for a temporary total disability in an unlawful manner; revising the provisions relating to the payment of an award for a permanent partial disability in a lump sum to an employee who is the subject of a criminal action and is alleged to have made false statements or".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblyman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 634.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1092.

Amend section 1, page 1, line 10, by deleting "*3 calendar*" and inserting "*5 judicial*".

Assemblyman Monaghan moved the adoption of the amendment.

Remarks by Assemblyman Monaghan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 656.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 35.

Bill read second time and ordered to third reading.

Senate Bill No. 144.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 956.

Amend sec. 3, page 2, line 24, by deleting "*an*" and inserting "*a nonprofit*".

Amend sec. 4, page 2, line 35, by deleting "an" and inserting "a nonprofit".

Amend sec. 5, page 2, line 47, by deleting "an" and inserting "a nonprofit".

Amend sec. 10, page 3, line 25, by deleting the colon.

Amend sec. 10, page 3, by deleting lines 26 through 28 and inserting: "*complies with the provisions of this section.*".

Amend sec. 10, page 4, line 5, by deleting "*or*".

Amend sec. 10, page 4, line 6, after "*(3)*" by inserting: "*Provide instruction and disseminate information on subjects beneficial to the community; or*

(4)".

Amend sec. 11, page 4, line 24, after "*Any*" by inserting "*nonprofit*".

Amend sec. 13, page 5, line 5, by deleting "*an*" and inserting "*a nonprofit*".

Amend sec. 14, page 5, line 8, by deleting the colon.

Amend sec. 14, page 5, by deleting lines 9 through 11 and inserting: "*complies with the provisions of this section.*".

Amend sec. 14, page 5, line 36, by deleting "*or*".

Amend sec. 14, page 5, line 37, after "*(3)*" by inserting: "*Provide instruction and disseminate information on subjects beneficial to the community; or*

(4)".

Amend sec. 15, page 6, line 9, after "*Any*" by inserting "*nonprofit*".

Amend the title of the bill, fourth line, by deleting "an" and inserting "a nonprofit".

Assemblyman Stroth moved the adoption of the amendment.

Remarks by Assemblyman Stroth.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 208.

Bill read second time and ordered to third reading.

Senate Bill No. 219.

Bill read second time and ordered to third reading.

Senate Bill No. 309.

Bill read second time and ordered to third reading.

Senate Bill No. 369.
Bill read second time and ordered to third reading.

Senate Bill No. 417.
Bill read second time and ordered to third reading.

Senate Bill No. 426.
Bill read second time and ordered to third reading.

Senate Bill No. 558.
Bill read second time and ordered to third reading.

Senate Joint Resolution No. 22.
Resolution read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Taxation.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Chowning moved that Senate Bill No. 324 be re-referred to the Committee on Taxation.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Bache moved that the Assembly do not recede from its action on Senate Bill No. 539, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Bache.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Lambert, de Braga and Harrington as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 539.

Mr. Speaker appointed Assemblymen Goldwater, Sandoval and Schneider as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 510.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 105, 333, 482, 645, 681; Assembly Concurrent Resolution No. 21; Assembly Resolution No. 12; Senate Concurrent Resolution No. 58.

REMARKS FROM THE FLOOR

Assemblyman Hettrick requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I wanted to introduce Rebecca Curran, who was sitting with me earlier. Rebecca is visiting the Nevada Legislature for the next two weeks as part of her high school work experience project.

Each student can select where they wish to participate in their work experience and Rebecca chose Nevada. She is staying with Jenny and Ed Cordisco. She is a freshman at Lawnswood School in Leeds, England.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Rebecca Curran.

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Jean Rice Williams.

Assemblyman Perkins moved that the Assembly adjourn until Thursday, June 22, 1995 at 10:30 a.m.

Motion carried.

Assembly adjourned at 2:30 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-EIGHTH DAY

CARSON CITY (Thursday), June 22, 1995

Assembly called to order at 10:43 a.m.

Speaker Hettrick presiding.

Roll called.

All present except Assemblyman Sandoval, who was excused.

Prayer by the Chaplain, The Reverend Ron Rhoads.

Heavenly Father, we thank You for the gifts You have given us, and for the gifts You have given to those with whom we work. Help us to recognize and appreciate in each person here the unique contributions they make to this body so we may see more clearly Your handiwork in them. As we enjoy the satisfaction of a job well done, may we not forget to give You the glory. In Your Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 562, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 366, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 502, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Joint Resolution No. 21, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 521; Senate Bills Nos. 161, 456, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Education, to which were referred Senate Bills Nos. 255, 431, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WILLIAM Z. HARRINGTON, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Concurrent Resolution No. 38, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRIS GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 20, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 537.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, June 21, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 93, 134, 289, 299, 313, 319, 430, 436, 479, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolution No. 32.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bills Nos. 292, 310, 364, 413, 504, 524, 534, 552, 558, 587, 618, 634; Senate Bills Nos. 85, 144, 335, be placed on the General File immediately following Assembly Bill No. 656.

Motion carried.

Assemblyman Ernaut moved that Assembly Bill No. 517 be taken from the Chief Clerk's desk and placed at the bottom of the General File.

Motion carried.

Assemblyman Nolan moved that Assembly Bill No. 552 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 548, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MARCIA DE BRAGA, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 16.

Assemblyman Steel moved the adoption of the resolution.

Remarks by Assemblyman Steel.

Resolution adopted.

By Assemblymen Dini, Price, Marvel, Humke, Arberry, Lambert, Carpenter, Evans, Freeman, Williams, Anderson, Bache, Giunchigliani, Spitler, Chowning, de Braga, Ernaut, Hettrick, Neighbors, Perkins, Schneider, Segerblom, Tiffany, Krenzer, Allard, Batten, Bennett, Braunlin, Brower, Buckley, Close, Fettic, Goldwater, Harrington, Manendo, Monaghan, Nolan, Ohrenschall, Sandoval, Steel, Stroth and Tripple:

Assembly Resolution No. 14—Commending Pat Hatch, former Supervisor of the Secretarial Staff of the Assembly.

WHEREAS, Patricia "Pat" V. Hatch was born in Longmeadow, Massachusetts, the daughter of Ray and Barbara Vaughn; and

WHEREAS, After graduation from Colby Junior College in New Hampshire, Pat married D. Kent Hatch in Longmeadow, Massachusetts, on August 30, 1951; and

WHEREAS, In 1972, Kent and Pat Hatch moved to Reno where they raised their three daughters, Linda Caufield, Barbara Hatch and Kathy Westmoreland and their son, Larry Hatch; and

WHEREAS, In 1977, the Chief Clerk of the Assembly selected Pat Hatch to be the Supervisor of the Secretarial Staff of the Assembly; and

WHEREAS, Over the years, Pat Hatch proved herself to be one of the most interesting and dedicated supervisors ever known to the Assembly; and

WHEREAS, As a supervisor, Pat Hatch was kind, compassionate and understanding, and held meetings every Friday with her secretaries to discuss any problems which may have occurred during the week; and

WHEREAS, After several years of using the heel of her shoe as a gavel at these meetings, Pat's devoted staff presented her with an official gavel in 1991; and

WHEREAS, Pat Hatch experienced many unusual events while employed by the Nevada Assembly, including the trip to the City of Pahrump where she had to take the minutes in shorthand at a meeting at night without any light after an electrical failure during a storm; and

WHEREAS, During that same trip, strong winds caused tremendous turbulence, but the turbulence felt in the aircraft did not compare to the embarrassment Pat suffered while exiting the airplane when a gust of wind blew her dress over her head, and alas, she had forgotten her slip that morning; and

WHEREAS, In honor of that fateful day, the ingenious and artistic secretaries of the Assembly displayed the famous poster of Marilyn Monroe with Pat's picture covering Marilyn's face; and

WHEREAS, Pat Hatch believed strongly in the virtue of punctuality, but because of the manner in which she sped through Washoe Valley on her daily commute to work, her secretarial staff chipped in and purchased Pat a "fuzz buster"; and

WHEREAS, Those same secretaries also pitched in to surprise Pat and Kent with a trip to Las Vegas to see the Siegfried and Roy show and with a little help from "seamstress" Marcia Warne, provided Pat with provocative evening attire; and

WHEREAS, As the 1995 legislative session nears an end, the friends of Pat Hatch reminisce about the fun, laughter and Friday afternoon potlucks that they shared with Pat over the last nine sessions, and wish Pat much happiness as she continues her career working alongside Kent in their new business; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the 68th session of the Nevada Legislature do hereby commend a most gracious lady for her years of devoted service as the Supervisor of the Secretarial Staff of the Assembly; and be it further

RESOLVED, That Pat Hatch will be missed by many and will long be remembered for her sense of responsibility, her loyalty and her contributions to the Nevada Legislature; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Patricia V. Hatch.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Evans, Lambert, Carpenter, Humke, Freeman, Price and Marvel.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Yes, Mr. Speaker, members of the Assembly. It has been my privilege to know this lady since 1977, when I served my first term as Speaker, and Mrs. Landing selected her to be the supervisor of the secretarial pool. The things that you have heard in the resolution are absolutely true.

The brightest thing when you came in this building every morning was seeing Pat, as she was here before we ever were. She always had a big smile and always laughed a little bit and she kept us all going strong. She had the respect of all of the secretaries whom she had working for her in those years. She must have had many hundreds of different secretaries come and serve all of those sessions and everyone always left with a good feeling, because Pat knew how to take care of her help.

She was hard to replace, although this year we were very fortunate to find a lady to step in with some of the same character. I have many fond memories of my association with Pat. She was a very devoted employee. She was always on the high side. She helped hire good employees, and she kept them informed throughout the session. Pat worked with just about everyone here, including most of the members of the Assembly. We want to congratulate her on her retirement and we hope she is doing well. She looks great, and we want to wish her many years of happiness.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I rise in support of Assembly Resolution No. 14. I recall in my early years in the Assembly, that the secretarial pool was truly a secretarial pool. There was one big room in the back of the building. We didn't have the little offices that we have now on the third floor, so if you needed something you trotted down the hall and you found Pat and she miraculously took care of all of your secretarial or clerical needs.

There has been quite a change since those times and people don't realize what progress has been made on the third floor. Somehow it all worked, and it worked largely because Pat made it work. I would like to say that, indeed, the information is correct in the resolution. The reference to Pat and the turbulence and the wind and her dress happened in the 1991 session. She was so kind. That was the trip to Pahrump that Marci was suppose to make. Marci was with me during that session, and due to illness she could not go, so Pat went and seemed to have made the ultimate sacrifice.

Finally, Mr. Speaker, I am here to give testimony about Pat's heavy foot. I am a commuter going through Washoe Valley. I cannot tell you the number of days that she just whizzed right past me. That is how she always got here before the rest of us, she was jet-propelled. We miss you, Pat, and those of us who worked with you, you will always have a special place in our hearts. Thank you so much for all that you have done for us.

ASSEMBLYMAN LAMBERT:

Thank you, Mr. Speaker. I rise in support of this resolution. Pat Hatch is truly a wonderful person. I remember when I was a freshman here, she sort of figuratively held my hand and made sure that my letters got typed, copies got made and she pointed me in the right direction. Pat was very, very helpful.

I have to confirm the previous speaker's remarks about having Pat wave and smile as she flew by me on the way to work. If I stayed late enough, sometimes she waved and smiled as she flew by the other way going home! It is wonderful to see Pat here today. I hope that she is enjoying her retirement. We miss you.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I rise in support of Assembly Resolution No. 14. Pat is one of the few people in this world who can read my handwriting. That meant a lot to me during the first couple of sessions that I was here, because I was really wondering how I was going to get those letters written with nobody able to read it. Pat was very able. She is really a great person and I hope that she enjoys her retirement.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise also in support of Assembly Resolution No. 14 which honors Pat Hatch. I had the great opportunity of knowing her daughter, Linda, and can agree with all the comments that have been made so far.

I especially recall the area of the building which currently are the offices where my co-chair and I are housed. That was a great hall, the secretarial pool. That was back in the days when assemblymen and women were real assemblymen and women. They didn't have all of this staff to fawn over them. They had the secretarial pool and you had to figure out things yourself.

The comment that I wanted to make was that Pat always ruled with a velvet gavel. She had complete control with everyone in that secretarial pool. The work got out in a very timely fashion and everyone liked her. Pat did a great job. To this day, everyone loves you. Congratulations.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I also rise in support of Assembly Resolution No. 14. Two of my classmates, Mr. Carpenter and Mrs. Evans, already spoke to the days eons ago when we did not have any secretarial staff other than the pool. It was wonderful to be there. Pat was always at the door waiting for us. We had our stationery on a book shelf; we didn't keep it in our office, it was down there. She always got our work done for us. Pat, I hope you have a wonderful retirement.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you, I also rise in support of Assembly Resolution No. 14. I, too, like Mr. Speaker met Pat in 1977. Back in those days, before we had offices, we all worked out of our desks and Pat and her lovely crew would always be down helping us whenever we needed anything. She was just a joy. I learned to work with her very well. When she told me something to do, I would do it. I have to say every time that I see that famous Marilyn photo, I think of Pat. That was an exciting event in that year's legislative session.

In all seriousness, she is certainly a dear, a wonderful part of our extended family. I'm so happy that we are honoring her as she well deserves today. We are happy that you are here with us today.

I also wanted to say that I never actually saw Pat driving back and forth, I only heard about it. I named my fuzz-buster after Pat. I call it my "Pat Hatch memorial fuzz-buster," and it sits right on the front of my car.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Resolution No. 14. When we were first starting here in 1979, Pat seemed like she was part of the institution and not having her around this year does create a void. We get so used to seeing people that have been so helpful to us, and of course, seeing that charming smile all the time. I don't think that I have ever seen her frown. Pat, we wish you well in your retirement. You are missed.

Resolution adopted unanimously.

Senate Concurrent Resolution No. 32.

Assemblyman Ernaut moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 537.

Assemblyman Ernaut moved that the bill be referred to the Committee on Commerce.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 697.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1188.

Amend section 1, page 1, line 2, by deleting "$958,845" and inserting "$1,717,568".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 656.

Bill read third time.

Remarks by Assemblymen Price and Anderson.

Roll call on Assembly Bill No. 656:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Assembly Bill No. 656 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 292.

Bill read third time.

Remarks by Assemblyman Buckley.

Roll call on Assembly Bill No. 292:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Assembly Bill No. 292 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 310.
Bill read third time.
Remarks by Assemblymen Goldwater, Segerblom and Bennett.
Roll call on Assembly Bill No. 310:
YEAS—41.
NAYS—None.
Absent—Sandoval.

Assembly Bill No. 310 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 364.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Assembly Bill No. 364:
YEAS—38.
NAYS—Bache, Ernaut, Lambert—3.
Absent—Sandoval.

Assembly Bill No. 364 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 413.
Bill read third time.
Remarks by Assemblymen Carpenter, Harrington, Bennett, Price, Lambert and Neighbors.
Assemblymen Arberry, Perkins and Bache moved the previous question.
Motion carried.
The question being on the passage of Assembly Bill No. 413.
Roll call on Assembly Bill No. 413:
YEAS—22.
NAYS—Arberry, Bennett, Braunlin, Brower, Buckley, Close, de Braga, Evans, Freeman, Harrington, Humke, Lambert, Monaghan, Nolan, Schneider, Spitler, Steel, Tripple, Williams—19.
Absent—Sandoval.

Assembly Bill No. 413 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 504.
Bill read third time.
Remarks by Assemblyman Buckley.
Roll call on Assembly Bill No. 504:
YEAS—41.
NAYS—None.
Absent—Sandoval.

Assembly Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 524.

Bill read third time.

Remarks by Assemblymen Carpenter, Buckley, Monaghan, Humke and Freeman.

Roll call on Assembly Bill No. 524:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Assembly Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 534.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 534:

YEAS—41.

NAYS—None.

Absent—Sandoval.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 558.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Assembly Bill No. 558:

YEAS—40.

NAYS—None.

Absent—Sandoval.

Not voting—Monaghan.

Assembly Bill No. 558 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:37 a.m.

ASSEMBLY IN SESSION

At 12:04 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 488, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA TIFFANY, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was re-referred Assembly Bill No. 667, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

SANDRA TIFFANY, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Bill No. 717, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA TIFFANY, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 585, 623, 722; Senate Bills Nos. 157, 496, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was re-referred Assembly Bill No. 144, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 499, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Assembly Concurrent Resolution No. 46, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

JOHN CARPENTER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 22, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 567.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 246, 338, 341, 434, 497.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 103, 169, 211.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 149.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 230.

MARY JO MONGELLI
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Assembly Bill No. 587.

Bill read third time.

Remarks by Assemblyman Krenzer.

Potential conflicts of interest declared by Assemblymen Krenzer and Goldwater.

Roll call on Assembly Bill No. 587:

YEAS—40.
NAYS—None.
Absent—Price, Sandoval—2.

Assembly Bill No. 587 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 618.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 618:

YEAS—41.
NAYS—None.
Absent—Sandoval.

Assembly Bill No. 618 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 634.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Dini, Buckley, Price and Harrington.

Roll call on Assembly Bill No. 634:

YEAS—41.
NAYS—None.
Absent—Sandoval.

Assembly Bill No. 634 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bill No. 552 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 552.

Bill read third time.

The following amendments were proposed by the Committee on Labor and Management:

Amendment No. 1214.

Amend sec. 187, page 66, line 26, by deleting "616.390,".

Amend sec. 197, page 68, line 3, after "sections" by inserting "44, 52,".

Amend the bill as a whole by deleting the leadline of NRS 616.390 from the leadlines of repealed sections.

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblyman Nolan.

Amendment adopted.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 1207.

Amend the bill as a whole by deleting sections 189 through 192 and inserting:

"Secs. 189-192. (Deleted by amendment.)".

Amend sec. 197, page 68, line 3, by deleting: "188 to 192, inclusive," and inserting "188,".

Amend the title of the bill, fifth and sixth lines, by deleting: "creating a legislative committee to study the solvency of the system;".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache, Goldwater, Nolan and Giunchigliani.

Assemblyman Bennett moved the previous question.

Motion not sustained.

Remarks by Assemblymen Ernaut and Anderson.

Conflict of interest declared by Assemblyman Krenzer.

Amendment lost.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that all rules be suspended and that Assembly Bills Nos. 292, 310, 364, 413, 504, 524, 534, 558, 587, 618, 634, 697, 656; Senate Concurrent Resolution No. 16 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 85.

Bill read third time.

Remarks by Assemblyman Williams.

Roll call on Senate Bill No. 85:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Senate Bill No. 85 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 144.

Bill read third time.

Assemblyman Stroth moved that Senate Bill No. 144 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Stroth.

Motion carried.

Senate Bill No. 335.

Bill read third time.

Remarks by Assemblyman Batten.

Roll call on Senate Bill No. 335:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Senate Bill No. 335 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 35.

Bill read third time.

Remarks by Assemblyman Tripple.

Roll call on Senate Bill No. 35:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Senate Bill No. 35 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 36.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Senate Bill No. 36:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Senate Bill No. 36 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that the reading of the history on bills and resolutions on General File be dispensed with.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 135.

Bill read third time.

Remarks by Assemblyman Close and Monaghan.

Roll call on Senate Bill No. 135:

YEAS—29.

NAYS—Bennett, Carpenter, Goldwater, Lambert, Manendo, Monaghan, Ohrenschall, Schneider, Spitler, Stroth, Tiffany, Tripple—12.

Absent—Sandoval.

Senate Bill No. 135 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 136.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Senate Bill No. 136:

YEAS—31.

NAYS—Brower, Buckley, Carpenter, Giunchigliani, Manendo, Ohrenschall, Schneider, Spitler, Stroth, Tiffany—10.

Absent—Sandoval.

Senate Bill No. 136 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 208.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 208:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Senate Bill No. 208 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 219.

Bill read third time.

Remarks by Assemblyman Allard.

Roll call on Senate Bill No. 219:

YEAS—40.

NAYS—Giunchigliani.

Absent—Sandoval.

Senate Bill No. 219 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 223.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 223:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Senate Bill No. 223 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 261.

Bill read third time.

Remarks by Assemblymen Carpenter, Freeman, Mr. Speaker Hettrick and Bennett.

Roll call on Senate Bill No. 261:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Senate Bill No. 261 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 298.

Bill read third time.

Remarks by Assemblyman Fettic.

Roll call on Senate Bill No. 298:

YEAS—40.

NAYS—None.

Absent—Sandoval.

Not voting—Goldwater.

Senate Bill No. 298 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 309.

Bill read third time.

Remarks by Assemblymen Stroth and Price.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN STROTH:

Thank you, Mr. Speaker. Current status required at the county treasurer's office is to notify and publish the names of delinquent taxpayers in the newspaper once a week for four consecutive weeks.

Many times the window between the notification and publication is not sufficient to allow the taxpayer time to respond. If the taxpayer is delinquent by oversight, or as in the case of an error in an escrow account through no fault of his own and pays his taxes, there is no mechanism to remove his name from subsequent publications of the delinquent list.

Senate Bill No. 309 will expand the window by several weeks and allow the treasurer to mail a notice of delinquency by first class mail to the delinquent taxpayer, and it requires the delinquent list to be published only once in the newspaper.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. This is one of those excellent bills passed out of taxation, but it did have folks on both sides of the issue. I am rising to speak in opposition to Senate Bill No. 309, although I did vote to have it be placed before this body.

The publications of delinquent taxes is something we started many years ago and in my perspective it has worked well. I have to say, that I always rush to buy the paper when they come out to see if my name is there, and it has been, along with some of my colleagues. It can embarrass you momentarily, but I do think that it is a public service. I will tell you something else and it is probably not a real good argument for this bill, but it certainly does help some of our newspapers around the state, mostly the smaller newspapers.

This requirement that we have is an important part of the economy to our rural areas. We had quite a bit of discussion on this. One of the things that I want to make clear, for the public record and legislative intent, was that there was some discussion as to whether or not the delinquent tax list would be public information. It definitely will be public information at all times. That has always been the legislative intent, to my knowledge, and will remain so.

I will be voting against this, because I think it will be hurting, not only public taxes, but the economy in some of our small areas. Thank you, Mr. Speaker.

Roll call on Senate Bill No. 309:

YEAS—26.

NAYS—Anderson, Buckley, Carpenter, Chowning, de Braga, Ernaut, Evans, Freeman, Goldwater, Manendo, Marvel, Neighbors, Perkins, Price, Mr. Speaker Dini—15.

Absent—Sandoval.

Senate Bill No. 309 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 332.

Bill read third time.

Remarks by Assemblyman Tripple.

Roll call on Senate Bill No. 332:

YEAS—40.

NAYS—Lambert.

Absent—Sandoval.

Senate Bill No. 332 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 369.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 369:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Senate Bill No. 369 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:12 p.m.

ASSEMBLY IN SESSION

At 1:21 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

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

SANDRA TIFFANY, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 122, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VIVIAN FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 16, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

DAVID HUMKE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Humke moved that Senate Bill No. 16 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ernaut moved that Assembly Bills Nos. 499, 521, 548, 585, 623, 717, 722; Senate Bills Nos. 157, 161, 255, 366, 422, 431, 456, 488, 496, 562; Senate Joint Resolution No. 21 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 663 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Ernaut moved that Assembly Bill No. 607 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 22, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 307, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 246.

Assemblyman Ernaut moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 338.

Assemblyman Ernaut moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 341.

Assemblyman Ernaut moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 434.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 497.

Assemblyman Ernaut moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 546.

Assemblyman Ernaut moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 567.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 377.

Bill read third time.

Remarks by Assemblymen Anderson, Chowning, Price and Spitler.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:34 p.m.

ASSEMBLY IN SESSION

At 1:42 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Chowning moved that Senate Bill No. 377 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Chowning.

Motion carried.

Senate Bill No. 417.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 417:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Senate Bill No. 417 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 426.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Senate Bill No. 426:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Senate Bill No. 426 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 524.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 524:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Senate Bill No. 524 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 525.

Bill read third time.

Remarks by Assemblyman Fettic.
Roll call on Senate Bill No. 525:
YEAS—41.
NAYS—None.
Absent—Sandoval.

Senate Bill No. 525 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 527.
Bill read third time.
Remarks by Assemblyman Evans.
Roll call on Senate Bill No. 527:
YEAS—41.
NAYS—None.
Absent—Sandoval.

Senate Bill No. 527 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 528.
Bill read third time.
Remarks by Assemblyman Dini.
Roll call on Senate Bill No. 528:
YEAS—41.
NAYS—None.
Absent—Sandoval.

Senate Bill No. 528 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 558.
Bill read third time.
Remarks by Assemblyman Krenzer.
Roll call on Senate Bill No. 558:
YEAS—41.
NAYS—None.
Absent—Sandoval.

Senate Bill No. 558 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 20.
Resolution read third time.
Remarks by Assemblyman Goldwater.
Roll call on Senate Joint Resolution No. 20:
YEAS—41.
NAYS—None.
Absent—Sandoval.

Senate Joint Resolution No. 20 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 22.

Resolution read third time.

Remarks by Assemblymen Segerblom, Giunchigliani and Freeman.

Roll call on Senate Joint Resolution No. 22:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Senate Joint Resolution No. 22 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Joint Resolution No. 23.

Resolution read third time.

Remarks by Assemblymen Bache, Bennett, Buckley, de Braga, Dini, Schnieder and Carpenter.

Roll call on Senate Joint Resolution No. 23:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Senate Joint Resolution No. 23 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bill No. 122; Senate Bill No. 193 be placed on the Second Reading File.

Motion carried.

Assemblyman Ernaut moved that Assembly Bills Nos. 144, 502, 667 be placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 144.

Bill read third time.

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

Amendment No. 913.

Amend section 1, page 1, line 2, by deleting "Any" and inserting: "[Any] *Except as otherwise provided in subsection 2, any*".

Amend section 1, page 1, line 15, by deleting "2. Any" and inserting:

"2. *Any political subdivision of the state, any agency of the state or the University and Community College System of Nevada which participates in*

the state's program of group insurance shall obtain the approval of the committee on benefits before it enters into a cooperative agreement for the purchase of health insurance pursuant to paragraph (e) of subsection 1.

3. Any''.

Amend the title of the bill, fourth line, after ''obligations;'' by inserting: ''requiring the prior approval of the committee on benefits for certain cooperative agreements relating to health insurance;''.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 502.

Bill read third time.

Remarks by Assemblymen Buckley and Harrington.

Roll call on Assembly Bill No. 502:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Assembly Bill No. 502 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 667.

Bill read third time.

Remarks by Assemblyman Humke.

Potential conflicts of interest declared by Assemblymen Chowning, Fettic, Price and Carpenter.

Roll call on Assembly Bill No. 667:

YEAS—41.

NAYS—None.

Absent—Sandoval.

Assembly Bill No. 667 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 517.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Ernaut, Schneider, Mr. Speaker Hettrick and Segerblom.

Roll call on Assembly Bill No. 517:

YEAS—38.

NAYS—Arberry, Carpenter, Marvel—3.

Absent—Sandoval.

Assembly Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 663.

Bill read third time.

Remarks by Assemblymen Manendo and Chowning.

Roll call on Assembly Bill No. 663:

YEAS—27.

NAYS—Anderson, Bache, Brower, Buckley, Ernaut, Evans, Freeman, Giunchigliani, Lambert, Marvel, Monaghan, Ohrenschall, Spitler, Tiffany—14.

Absent—Sandoval.

Assembly Bill No. 663 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 607.

Bill read third time.

The following amendment was proposed by Assemblyman Hettrick:

Amendment No. 1200.

Amend sec. 2, page 1, by deleting line 15 and inserting: "installments [.] *if the taxes assessed on the parcel exceed $100.*".

Amend the title of the bill, second line, after "charge;" by inserting: "limiting circumstances under which certain real property taxes may be paid in installments;".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 22, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 10, 35, 92, 476, 570, 594, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 499.

Bill read second time.

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

Amendment No. 1191.

Amend the bill as a whole by deleting sections 1, 3 through 6 and the text of the repealed section, renumbering sec. 2 as section 1 and adding new sections designated sections 2 and 3, following sec. 2, to read as follows:

"Sec. 2. NRS 293.557 is hereby amended to read as follows:

293.557 1. The county clerk shall cause to be published once in each of the newspapers circulated in different parts of the county [a list of all registered voters within the circulation area of each newspaper,] or cause to be published once in a newspaper circulated in the county [an] *:*

(a) An alphabetical listing of all registered voters, including the precinct of each voter [, for the entire county:] *:*

(1) Within the circulation area of each newspaper if the listing is published in each newspaper circulated in different parts of the county; or

(2) Within the entire county if the listing is published in only one newspaper in the county; or

(b) A statement notifying the public that the county clerk will provide an alphabetical listing of the names of all registered voters in the entire county and the precinct of each voter free of charge to any person upon request.

2. The county clerk shall comply with the requirements for publication:

(a) Not less than 2 weeks before the close of registration for any primary election.

(b) After each primary election and not less than 2 weeks before the close of registration for the ensuing general election.

[2.] *3.* The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

[3.] *4.* The list of registered voters , *if published,* must not be printed in type smaller than six-point.

Sec. 3. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.".

Assemblyman Harrington moved the adoption of the amendment.

Remarks by Assemblyman Harrington.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 521.

Bill read second time.

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

Amendment No. 742.

Amend section 1, pages 1 and 2, by deleting lines 5 through 23 on page 1 and lines 1 through 17 on page 2 and inserting:

"Sec. 3.1. 1. The Authority shall not incur an indebtedness in excess of 10 percent of the total assessed valuation of the taxable property within the boundaries of the Authority, as shown by the last preceding assessment.

2. In determining any limitation of debt under this section, the following must not be included in the indebtedness of the Authority:

(a) Any notes or securities that mature within 1 year after the date of issuance; or

(b) Any outstanding revenue bonds or other special obligation securities.".

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. Section 3 of chapter 227, Statutes of Nevada 1975, as amended by chapter 275, Statutes of Nevada 1979, at page 375, is hereby amended to read as follows:

Sec. 3. 1. The Authority is hereby authorized and empowered [without the necessity of an election or further preliminaries (except for the approving bond election hereinafter required) to construct, concurrently or in phases, and otherwise acquire (including a site therefor) a civic auditorium and convention center, including improvements incidental thereto, and equipment and furnishings therefor and all appurtenances to be located within or proximate to the City of Elko, Nevada (herein sometimes referred to as the "Project"); and to defray wholly or in part the cost of the Project by the issuance of Authority Bonds (herein sometimes designated as the "Bonds") in the aggregate principal amount not exceeding $2,500,000 or such lesser amount as the Board of County Commissioners of Elko County, Nevada, may determine in the resolution described in Sections 19 and 20 of this Act as being necessary or desirable for such purpose.

2. After the initial issuance of these bonds, the Authority may:] *to:*

(a) Establish, construct, purchase, otherwise acquire, reconstruct, repair, maintain, improve, extend and better exposition buildings, convention halls, auditoriums, amusement halls, exhibit buildings, exhibit spaces, display areas, parking spaces, storage and warehousing facilities and other convention and auditorium facilities and buildings therefor, and improvements incidental thereto.

(b) Equip and furnish such facilities.

(c) Acquire suitable sites or grounds for such facilities.

(d) Manage and operate such facilities.

(e) Landscape such facilities.

(f) Advertise, publicize and promote such facilities.

(g) Issue bonds [therefor,] *for the purposes set forth in paragraph (a), (b), (c) or (e),* or for any combination thereof, at one time or from time to time.

(h) Lease all or any portions of such facilities, including the lease of space for commercial advertising purposes.

(i) Accept contributions, grants, or other financial assistance from:

(1) The Federal Government or any agency thereof;

(2) The State of Nevada or any agency thereof;

(3) Elko County or any agency thereof;

(4) The City of Elko or any agency thereof;

(5) Any other political subdivision of the State of Nevada; and

(6) Any person, corporation, partnership or other source,

and comply with such conditions, terms, leases and agreements as may be necessary, convenient, acceptable or desirable in connection with any such financial assistance.

[3.] *2.* Without limiting the generality of the provisions of subsection [2,] *1,* such facilities include all buildings and improvements incident thereto, as well as all equipment, furnishings or other personal

property located thereon or used in connection therewith, and all sites and grounds which are used as a convention center or auditorium or for purposes related thereto.

Sec. 3. Section 4 of chapter 227, Statutes of Nevada 1975, as amended by chapter 275, Statutes of Nevada 1979, at page 376, is hereby amended to read as follows:

Sec. 4. The [Bonds] *general obligation bonds* authorized to be issued by [section 3 of] this Act are general obligation bonds of the Authority payable from general (ad valorem) property taxes to be levied by the County Commissioners of Elko County, Nevada, on behalf of the Board of the Authority, such taxes to be levied upon all taxable properties within the boundaries of the Authority as such boundaries [shall be] *are* hereafter established and defined and from time to time redefined by reason of inclusion of additional lands.

Sec. 4. Section 4.5 of chapter 227, Statutes of Nevada 1975, as added by chapter 275, Statutes of Nevada 1979, and as amended by chapter 345, Statutes of Nevada 1993, at page 1100, is hereby amended to read as follows:

Sec. 4.5. 1. For any purpose authorized by this act, the Board, at any time or from time to time, in the name and on behalf of the Authority, may:

(a) Issue:

(1) General obligation bonds, payable from taxes; and

(2) General obligation bonds, payable from taxes, whose payment is additionally secured by a pledge of gross or net revenue derived from the operation of those facilities, and, if so determined by the Board, further secured by a pledge of such other gross or net revenue as may be derived from any other income-producing project of the Authority or from any license or other taxes levied for revenue by Elko County or an incorporated city in Elko County, or otherwise, as may be legally made available for their payment; *and*

(b) Issue revenue bonds payable solely from the net revenue to be derived from the operation of those facilities, as the Board may decide.

2. For the purposes of this act, the electors of the Authority are all persons who [are qualified to vote at general elections in Elko County, and who] reside within the boundaries of the Authority *and are qualified to vote in Elko County* upon the date of close of registration for any special, primary or general election for bonding or revenue purposes. These electors are entitled to vote at elections on the questions pertaining to the Authority.

3. A special election may be held only if the board determines, by a unanimous vote, that an emergency exists. The determination made by the board is conclusive unless it is shown that the board acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the board must be commenced within 15 days after the board's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which

requires immediate action by the board to prevent or mitigate a substantial financial loss to the authority or Elko County or to enable the board to provide an essential service to the residents of Elko County.".

Amend sec. 2, page 2, by deleting lines 21 through 30 and inserting:

"Sec. 5. The [Bonds shall] *bonds authorized to be issued pursuant to section 4.5 of this act must* be issued [independent of any debt limitation or other restriction, except as otherwise provided in this Act and in the Local Government Securities Law, and the Authority acting by its Board may, in connection with the powers authorized by this Act, exercise the incidental powers provided in the Local Government Securities Law,] *in accordance with the provisions of chapter 350 of NRS,* except as otherwise provided in this Act.".

Amend the bill as a whole by renumbering sec. 3 as sec. 11 and adding new sections designated sections 6 through 10, following sec. 2, to read as follows:

"Sec. 6. Section 6 of chapter 227, Statutes of Nevada 1975, as amended by chapter 275, Statutes of Nevada 1979, at page 377, is hereby amended to read as follows:

Sec. 6. This Act does not prevent the Board, on behalf and in the name of the Authority, from refunding or reissuing the [Bonds] *bonds issued pursuant to this Act* at any time as provided in the Local Government Securities Law.

Sec. 7. Section 7 of chapter 227, Statutes of Nevada 1975, at page 272, is hereby amended to read as follows:

Sec. 7. The County of Elko is hereby authorized to make from time to time fair and reasonable payment to the Authority from its general fund or other available [moneys] *money* for any use of the [Project] *facilities of the Authority* by the County or any of its departments, boards, agencies or by any persons sponsored by the County.

Sec. 8. Section 11.6 of chapter 227, Statutes of Nevada 1975, as added by chapter 275, Statutes of Nevada 1979, at page 386, is hereby amended to read as follows:

Sec. 11.6. 1. In connection with any taxes assigned or appropriated by any city, town or county, or any combination thereof, for use in connection with this act, the Board, upon behalf of the Authority, in addition to powers elsewhere conferred, may but need not:

(a) Collect the proceeds of such taxes from time to time, receive, control, invest and order the expenditure of any money and funds pertaining thereto, prescribe a procedure therefor, including , but not limited to , enforcing the collection of any delinquent taxes and providing penalties in connection therewith, and create an office and hire personnel therefor.

(b) Defray the reasonable costs of collecting and otherwise administering such taxes from not more than 10 percent of the gross revenues so collected , [(] excluding from this limitation and from such gross revenues any costs of collecting any delinquent taxes borne by any delinquent taxpayer . [).] The incorporated cities collectively and the

county may enter into an agreement with the Board for the payment of collection fees which may be more or less than 10 percent of the gross revenues collected by a particular city or the county, except that the total payment of collection fees to all the cities and the county may not exceed 10 percent of the combined gross revenues so collected.

(c) Defray further with the proceeds of any such tax the costs of the Board and of officers, agents and employees hired thereby, and of incidentals incurred thereby, of operating and maintaining facilities under the jurisdiction of the Board, including , without limitation , the payment of reasonable expenses pertaining to the promotion of tourism generally, individually and through grants to the chambers of commerce of the incorporated cities of the county or other nonprofit groups or associations, and of improving, extending and bettering any facilities authorized by this act, including , but not limited to , making annual grants to the state, the county and incorporated cities in the county for capital improvements for facilities and of constructing, purchasing or otherwise acquiring any such facilities.

(d) Redeem any general obligation bonds of the Authority issued pursuant to this act, including principal, interest and any prior redemption premium, regardless of whether such taxes are pledged as additional security for their payment.

(e) Make contracts from time to time concerning any such taxes and any such contract may limit the exercise of powers pertaining thereto, including , without limitation , the right of any city, town or the county from time to time to increase, decrease or otherwise modify the tax , [;] but no such change may be made which would prejudicially affect any pledge of tax proceeds as additional security for the payment of bonds issued pursuant to this act, and each other political subdivision assigning or appropriating such taxes pertaining thereto must consent to any such modification.

(f) Make rules and regulations concerning such taxes and provide penalties for the failure to comply therewith.

(g) Pledge the proceeds of such taxes for the payment of any general obligations issued by the Authority for a purpose authorized under this Act. Any proceeds that are pledged pursuant to this paragraph constitute pledged revenues for the purposes of subsection 3 of NRS 350.020.

2. All taxes levied by a city, town or county for use in connection with this act, and collected by any motel, hotel or gaming establishment, is public money from the moment of its collection, and [shall] *must* be held in trust by the person collecting it for the use and benefit of the city, town or county levying such taxes or for the use of the Board where such revenues have been assigned or appropriated to the Board.

3. If the Board determines that any tax assigned to it, or penalty or interest thereon, has been paid more than once or has been erroneously or illegally collected or computed, the Board shall, subject to the conditions specified in this section, refund to the person or corporation

or its successors, administrators, executors or assigns, the excess amount collected or paid. In lieu of a refund, the Board may grant a credit to the taxpayer against future tax payments.

4. A refund or credit may not be allowed unless a claim therefor is filed with the Board within 2 years from the last date that the overpayment was made. Every claim must be in writing and state the specific grounds upon which the claim is founded.

5. Failure to file a claim within the time prescribed constitutes a waiver of any demand against the city or county imposing the tax and against the Board.

6. Within 30 days after disallowing any claim, in whole or in part, the Board shall serve written notice of its action on the claimant.

7. In order to insure the payment of the revenue or general obligation bonds of the Authority, the payment of which is secured or is additionally secured, as the case may be, by a pledge of the revenues of the facilities, or of any other income-producing project and of any taxes, as provided in this act, or of other special obligations so secured or other additionally secured general obligations of the Authority, the Board may establish and maintain, and from time to time revise, a schedule of fees, rates and charges for services, facilities and commodities rendered by or through the facilities, and of any other income-producing project, and a schedule of any taxes, as the case may be, in an amount sufficient for that purpose, and also sufficient to discharge any covenant in the proceedings of the Board authorizing the issuance of any bonds or other securities, including any covenant for the establishment of reasonable reserve funds.

Sec. 9. Section 12 of chapter 227, Statutes of Nevada 1975, at page 273, is hereby amended to read as follows:

Sec. 12. [Provisions]

1. The provisions of the Local Government Budget Act, NRS 354.470 to 354.626, inclusive, as now and hereafter amended, [shall] apply to the Authority as a local government and the Authority shall, for purposes of [such] *that* application, be deemed a district other than a school district.

2. The provisions of NRS 354.430 to 354.626, inclusive, apply to the Authority.

Sec. 10. Section 14 of chapter 227, Statutes of Nevada 1975, at page 274, is hereby amended to read as follows:

Sec. 14. [No] *A* contract for doing construction work for acquiring or improving [the Project provided for herein] *any facilities of the Authority* or any portion thereof [shall] *must not* be entered into until the Authority [shall have] *has* requested competitive bids and published notice stating that bids will be received at a time and place designated therein.".

Amend the title of the bill to read as follows:

"An Act relating to the Elko Convention and Visitors Authority; imposing a limitation upon the maximum indebtedness of the Authority; making

certain provisions of NRS applicable to the procedure for bonding pursuant to this act; authorizing the Authority to issue and sell additional bonds in accordance with certain provisions of NRS; providing that bonds may not be issued for the purpose of managing, operating, advertising, publicizing or promoting the facilities of the Authority; repealing certain obsolete provisions; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises various provisions governing Elko Convention and Visitors Authority. (BDR S-99)".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 548.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1179.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 14 and the text of repealed sections, following the enacting clause, to read as follows:

"Section 1. Chapter 322 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Boat house" means a covered or enclosed structure, in or on a navigable body of water, designed specifically to store, enclose, shelter or protect a vessel away from the elements.*

Sec. 3. *"Deck" means a fixed or floating platform or other structure, other than a boat house or pier, which is attached to the shore or bed of, and extends into or over, a navigable body of water.*

Sec. 4. *1. The state land registrar shall grant a person credit towards the fee required pursuant to NRS 322.120 for the commercial use of state land in an amount equal to:*

(a) The amount that the total fees charged to that person pursuant to that section for the previous year exceeded one and one-half cents for each gallon of fuel sold plus 5 percent of that person's gross revenue from the commercial use of that state land, excluding the sale of fuel, for that year;

(b) The amount that the United States Forest Service returned to the State of Nevada from money that the person was required to pay pursuant to a lease or permit to use federal land during the previous year which is attributable to revenues earned on land belonging to the State of Nevada; and

(c) The difference between the fee for a permit for commercial use and the fee for a permit for multiple residential use if during the previous year the person paid the fee for a permit for commercial use but did not conduct that commercial use.

2. A person who is eligible for a credit pursuant to subsection 1 shall demonstrate to the satisfaction of the state land registrar that he is entitled to such a credit.

3. If the amount of a credit granted pursuant to this section exceeds the amount of the fee imposed pursuant to NRS 322.120 for the year in which the credit will be used, the excess credit is forfeited and the state land registrar shall not grant a refund or apply the credit to any other year.

Sec. 5. NRS 322.003 is hereby amended to read as follows:

322.003 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 322.0032 to 322.0066, inclusive, *and sections 2 and 3 of this act,* have the meanings ascribed to them in those sections.

Sec. 6. NRS 322.0036 is hereby amended to read as follows:

322.0036 "Boat hoist" means a hoist , *other than a hoist inside a boat house,* for raising vessels from, or lowering vessels into, a navigable body of water.

Sec. 7. NRS 322.004 is hereby amended to read as follows:

322.004 "Boat slip" means a space , *other than a space inside a boat house,* designed for the mooring or storage of vessels on a navigable body of water.

Sec. 8. NRS 322.0058 is hereby amended to read as follows:

322.0058 "Pier" means a fixed or floating platform or other structure , *other than a boat house or deck,* which:

1. Extends into or over a navigable body of water;
2. Is attached to pillars, piles, rocks or metal or is anchored to the bottom of the body of water; and
3. Affords convenient passage to and from vessels or provides a mooring for vessels.

Sec. 9. NRS 322.120 is hereby amended to read as follows:

322.120 Except as otherwise provided by specific statute, the state land registrar shall charge for the issuance of:

1. A permit for:

(a) The commercial use of a pier or other facility for loading passengers on vessels in a navigable body of water, a fee of [$1,000] *$125* per year.

(b) The multiple residential use of a pier or other facility for loading passengers on vessels in a navigable body of water, a fee of [$400] *$62.50* per year.

(c) The single residential use of a pier or other facility for loading passengers on vessels in a navigable body of water, a fee of [$250] *$50* per year.

(d) Any other use of a pier or other facility for loading passengers on vessels in a navigable body of water, a fee of [$500] *$62.50* per year.

2. A permit for:

(a) The commercial use:

(1) Of a [boat-fueling facility,] boat hoist, *boat house,* boat ramp, boat slip, [floating dock or platform, mooring buoy or swim line,] *deck* or a

similar device or structure in or on a navigable body of water, a fee of [$250] *$50* per year [.] *, except that no fee may be charged for a boat hoist, boat house or deck which is attached to a pier.*

(2) [On a navigable body of water of:

(I) A motorized vessel held for short-term lease, a fee of $250 per year.

(II) A nonmotorized vessel held for short-term lease, a fee of $25 per year.] *Of a mooring buoy or similar device for mooring vessels in or on a navigable body of water, a fee of $10 per month or $100 per year.*

(b) Any other use:

(1) Of a [boat-fueling facility,] boat hoist, *boat house,* boat ramp, boat slip, [floating dock or platform, mooring buoy or swim line,] *deck* or a similar device or structure in or on a navigable body of water, a fee of [$150] *$25* per year [.] *, except that no fee may be charged for a boat hoist, boat house or deck which is attached to a pier.*

(2) [On a navigable body of water of a motorized vessel held for short-term lease, a fee of $150 per year. Except as otherwise provided in paragraph (a) of this subsection, the state land registrar shall not charge a fee for the issuance of a permit for any use on a navigable body of water of a nonmotorized vessel held for short-term lease.] *Of a mooring buoy or similar device for mooring vessels in or on a navigable body of water, a fee of $5 per month or $30 per year.*

(c) Any use of a boat-fueling facility in or on a navigable body of water, a fee of $250 per year.

Sec. 10. NRS 322.140 is hereby amended to read as follows:

322.140 The state land registrar may waive a fee for the issuance of any permit, license or other authorization for the use of state land:

1. To [clean, maintain or repair state property; or

2. For not more than 14 consecutive days,] *protect or promote the public health or safety; or*

2. *For a short term,* if the use:

(a) Is not conducted primarily for profit; and

(b) Is conducted in such a manner as to cause no essential change in or damage to the state land.

Sec. 11. NRS 322.170 is hereby amended to read as follows:

322.170 The state land registrar shall adopt such regulations as are necessary to carry out the provisions of NRS 322.100 to 322.160, inclusive [.] *, and section 4 of this act.*

Sec. 12. NRS 322.0048 and 322.0064 are hereby repealed.

Sec. 13. The amendatory provisions of section 4 of this act apply retroactively to July 1, 1993. Any money which was paid before July 1, 1995, for fees required by NRS 322.120 for which a credit should be granted must be applied by the state land registrar to any future liability of the holder of the permit who paid the fees, if any. This section does not authorize a refund to the holder of a permit who is eligible for a credit if he does not have any future liability.

Sec. 14. This act becomes effective on July 1, 1995.

TEXT OF REPEALED SECTIONS

322.0048 "Floating dock or platform" defined. "Floating dock or platform" means a structure, other than a vessel or pier, designed to float on water while anchored to the shore or bed of a navigable body of water.

322.0064 "Swim line" defined. "Swim line" means a floating line used for the designation of an area for swimming or bathing in a navigable body of water.".

Amend the title of the bill to read as follows:

"An Act relating to state land; revising certain fees of the state land registrar for the use of state land; requiring the state land registrar to grant credit towards fees paid for the commercial use of state land under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding fees paid to state land registrar for use of state land. (BDR 26-1399)".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 585.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 936.

Amend sec. 3, page 1, by deleting lines 17 and 18 and inserting: "*violation is alleged to have occurred, may for the purpose of investigating an*".

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

"2. *Except as otherwise provided in this subsection, if a guardian has not been appointed for the older person, the welfare division or the county's office for protective services shall obtain the*".

Amend sec. 3, page 2, line 5, after "records." by inserting: "*If the welfare division or the county's office for protective services determines that the older person is unable to consent to the inspection, the inspection may be conducted without his consent.*".

Amend sec. 3, page 2, line 8, by deleting "*written*".

Amend sec. 5, page 2, by deleting lines 28 through 31 and inserting: "or property to the advantage of another.] *any act taken by a person who has the trust and confidence of an older person or any use of the power of attorney or guardianship of an older person*".

Amend sec. 7, page 4, by deleting line 47 and inserting:

"(a) A physician who [has in his care] *is providing care to* an older person who [he reasonably".

Amend sec. 7, page 4, line 48, by inserting a closed bracket after "believes".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 623.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 934.

Amend section 1, page 1, by deleting lines 2 through 25 and inserting:

"62.080 1. If a child [16 years of age or older] is charged with an offense which would be a felony if committed by an adult [,] *and the child was 16 years of age or older at the time he allegedly committed the offense,* the juvenile division of the district court, [after full investigation, may retain jurisdiction or certify] *except as otherwise provided in subsection 2, may:*

(a) After a full investigation, retain jurisdiction of the child;

(b) After a full investigation, certify the child *as an adult* for proper criminal proceedings [to] *in* any court which would have jurisdiction to try the offense if *the offense were* committed by an adult [, but no child may be so certified unless he was 16 years of age or older at the time he allegedly committed the offense charged.] *; or*

(c) After a full investigation and formal adversarial hearing, certify the child as an adult and bind him over for trial in any court which would have jurisdiction to try the offense if the offense were committed by an adult. For the purposes of this paragraph and any provision in NRS pertaining to a preliminary examination or hearing pursuant to chapter 171 of NRS, an adversarial hearing under this paragraph shall be deemed to constitute a preliminary hearing or examination, and, except as otherwise provided in subsection 2, must be conducted in accordance with the same requirements, procedure and rules of evidence as for a preliminary examination or hearing pursuant to chapter 171 of NRS.

2. The court must not certify a child as an adult pursuant to subsection 1 unless it finds:

(a) That probable cause exists that the child committed the offense charged; and

(b) By clear and convincing proof that the certification of the child is warranted for the safety and welfare of the public.

3. The court shall enter a written order:

(a) Listing the specific facts found by the court and the reasons for the court's decision to retain jurisdiction of the child; or

(b) Stating its finding pursuant to paragraph (a) of subsection 2 and listing the specific facts found by the court and the reasons for the court's decision to certify the child as an adult.

4. Except as otherwise provided in subsection [3, after such] *5, after* a child has been certified [for proper criminal proceedings] *as an adult pursuant to subsection 1* and his case has been transferred out of the juvenile division, original".

Amend section 1, page 2, by deleting line 7 and inserting: "[3.] *5.* If a child is certified as an adult pursuant to".

Amend sec. 2, page 2, line 14, after "*in*" by inserting: "*paragraph (c) of*".

Amend sec. 2, page 2, line 47, after "6." by inserting: "The court may, at the request of the district attorney, expedite the date for any adjudicatory hearing involving acts committed against a child less than 16 years of age or involving acts witnessed by a child less than 16 years of age. In making a ruling, the court may consider the effect a delay in the commencement of the hearing might have on the mental or emotional health or well-being of the child.

7.".

Amend sec. 2, page 3, by deleting lines 5 through 10 and inserting:

"8. On its motion or that of a party, the court may continue the hearings under this section for a reasonable period to receive reports and other evidence bearing on the disposition. If the hearing involves acts committed against a child less than 16 years of age or involving acts witnessed by a child less than 16 years of age, the court may consider any adverse effect a continuance or other postponement might have upon the mental or emotional health or well-being of the child. The court may deny a continuance or other postponement if the delay will adversely affect the mental or emotional health or well-being of the child. The court shall make an appropriate order for detention or temporary care of the child subject to supervision of the court during the period of any continuance.

9. If the court finds by preponderance of the evidence that the child is in".

Amend sec. 2, page 3, line 14, by deleting "9." and inserting "10.".

Amend sec. 2, page 3, line 17, by deleting "10." and inserting "11.".

Amend sec. 3, page 3, by deleting line 23 and inserting: "*An adversarial hearing held pursuant to paragraph (c) of subsection 1 of NRS 62.080 shall be deemed to*".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the bill, second line, after "hearing;" by inserting: "revising the requirements for the certification of a child for trial as an adult;".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 717.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1187.

Amend section 1, page 1, line 5, by inserting an open bracket before "and".

Amend section 1, page 1, line 6, by deleting the open bracket.

Amend section 1, page 1, line 7, after "*(b)*" by inserting: "*Ensuring that the corrective action is cost-effective; and*

(c)".

Amend section 1, page 1, by deleting lines 9 through 25 and inserting:

"2. *In determining whether corrective action is required by the presence of excessive petroleum in the soil, the division shall consider, unless waived by the administrator of the division:*

(a) Factors peculiar to the site and to the contaminant; and

(b) The use of methods developed by the American Society for Testing and Materials to assess health and environmental risks, or equivalent procedures, to establish the need for corrective action and the required level of corrective action.".

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

Amend the title of the bill by deleting the second line and inserting: "leum needs to be cleaned up; and".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 722.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1193.

Amend section 1, page 1, by deleting lines 4 through 14 and inserting:

"(a) For being available to report civil and criminal testimony and proceedings when the court is sitting [, $120] *during traditional business hours on any day except Sunday, $140* per day, to be paid by the county as provided in subsection 3.

(b) For *being available to report civil and criminal testimony and proceedings when the court is sitting beyond traditional business hours or on Sunday:*

(1) If the reporter has been available to report for at least 4 hours, $30 per hour for each hour of availability; or

(2) If the reporter has been available to report for fewer than 4 hours, a pro rata amount based on the daily rate set forth in paragraph (a), to be paid by the county as provided in subsection 3.

(c) For transcription [, $2.25] *:*

(1) Except as otherwise provided in subparagraph (2), $3.25 per page for the original draft [,] *and one copy,* and 50 cents per page for each additional copy to the party ordering the original draft.

(2) For civil litigants who are ordering the original draft and are represented by a nonprofit legal corporation or a program for pro bono legal assistance, $2.50 per page and 50 cents per page for each additional copy.

(3) For [transcription for] any party other than the party ordering the original draft, 50 cents per page.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 157.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1172.

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

"Section 1. Chapter 50 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The affidavit of a chemist and any other person who has qualified in the district court of any county to testify as an expert witness regarding the presence in the breath, blood or urine of a person of alcohol, a controlled substance, or a chemical, poison or organic solvent, or the identity or quantity of a controlled substance alleged to have been in the possession of a person, which is submitted to prove:

(a) The quantity of the purported controlled substance; or

(b) The amount of alcohol or the presence or absence of a controlled substance, chemical, poison or organic solvent, as the case may be, is admissible in the manner provided in this section.

2. An affidavit which is submitted to prove any fact set forth in subsection 1 must be admitted into evidence when submitted during any administrative proceeding, preliminary hearing or hearing before a grand jury. The court shall not sustain any objection to the admission of such an affidavit.

3. The defendant may object in writing to admitting into evidence an affidavit submitted to prove any fact set forth in subsection 1 during his trial. If the defendant makes such an objection, the court shall not admit the affidavit into evidence and the prosecution may cause the person to testify in court to any information contained in the affidavit.

Sec. 2. NRS 50.315 is hereby amended to read as follows:

50.315 1. [If a person has qualified in the district court of any county as an expert witness to testify regarding the presence in the breath, blood or urine of a person of alcohol, a controlled substance, or a chemical, poison or organic solvent, or the identity or quantity of a controlled substance alleged to have been in the possession of a person, the expert's affidavit is admissible in evidence in an administrative proceeding or in a criminal trial in the district court in any county in the district or a preliminary examination or trial in any justice's or municipal court in any county in the district to prove:

(a) The quantity of the purported controlled substance; and

(b) The amount of alcohol or the presence or absence of a controlled substance, chemical, poison or organic solvent, as the case may be.

2. A] *Except as otherwise provided in subsection 6, a* person's affidavit is admissible in evidence in any criminal or administrative proceeding to prove:

(a) That he has been certified by the director of the department of motor vehicles and public safety as being competent to operate devices of a type

certified by the committee on testing for intoxication as accurate and reliable for testing a person's breath to determine the amount by weight of alcohol in his breath;

(b) The identity of a person from whom the affiant obtained a sample of breath; *and*

(c) That the affiant tested the sample using a device of a type so certified and that the device was functioning properly . [; and

(d) The amount of alcohol that he found in the person's breath.

3. The]

2. Except as otherwise provided in subsection 6, the affidavit of a person who prepared a chemical solution or gas that has been used in calibrating a device for testing another's breath to determine the amount of alcohol in his breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The affiant's occupation; and

(b) That he prepared a solution or gas having the chemical composition necessary for accurately calibrating it.

[4. The]

3. Except as otherwise provided in subsection 6, the affidavit of a person who calibrates a device for testing another's breath to determine the amount of alcohol in his breath is admissible in evidence in any criminal or administrative proceeding to prove:

(a) The affiant's occupation;

(b) That on a specified date he calibrated the device at a named law enforcement agency by using the procedures and equipment prescribed in the regulations of the committee on testing for intoxication;

(c) That the calibration was performed within the period required by the committee's regulations; and

(d) Upon completing the calibration of the device, it was operating properly.

[5. The]

4. Except as otherwise provided in subsection 6, the affidavit or declaration made under the penalty of perjury of a person who withdraws a sample of blood from another for analysis by an expert as set forth in [subsection] *section* 1 *of this act* is admissible in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant or declarant;

(b) The identity of the person from whom the affiant or declarant withdrew the sample;

(c) The fact that the affiant or declarant kept the sample in his sole custody or control and in substantially the same condition as when he first obtained it until delivering it to another; and

(d) The identity of the person to whom the affiant or declarant delivered it.

[6. The]

5. Except as otherwise provided in subsection 6, the affidavit of a person who receives from another a sample of blood or urine or other tangible

evidence that is alleged to contain alcohol or a controlled substance, chemical, poison or organic solvent may be admitted in any criminal or administrative proceeding to prove:

(a) The occupation of the affiant;

(b) The fact that the affiant received a sample or other evidence from another person and kept it in his sole custody or control in substantially the same condition as when he first received it until delivering it to another; and

(c) The identity of the person to whom the affiant delivered it.

6. During any trial in which the defendant has been accused of committing a felony, the defendant may object in writing to admitting into evidence an affidavit described in this section. If the defendant makes such an objection, the court shall not admit the affidavit into evidence and the prosecution may cause the person to testify in court to any information contained in the affidavit.

7. The committee on testing for intoxication shall adopt regulations prescribing the form of the affidavits and declarations described in this section.

Sec. 3. NRS 50.325 is hereby amended to read as follows:

50.325 1. If a person is charged with an offense punishable pursuant to chapter 453 or 484 of NRS or homicide resulting from driving a vehicle while under the influence of intoxicating liquor, a controlled substance or a chemical, poison or organic solvent, and it is necessary to prove:

(a) The existence of any alcohol;

(b) The quantity of a controlled substance; or

(c) The existence or identity of a controlled substance, chemical, poison or organic solvent,

the prosecuting attorney may request that the affidavit or declaration of an expert or other person described in NRS 50.315 *and section 1 of this act* be admitted [in] *into* evidence at the trial or preliminary hearing concerning the offense. *Except as otherwise provided in NRS 50.315 and section 1 of this act, the affidavit must be admitted into evidence.*

2. [The] *If the request is to have the affidavit admitted into evidence at a preliminary hearing or hearing before a grand jury, the affidavit must be admitted into evidence upon submission. If the request is to have the affidavit admitted into evidence at trial, the* request must be [made] *:*

(a) Made at least 10 days before the date set for the trial [or preliminary hearing and must be sent] *;*

(b) Sent to the defendant's counsel and to the defendant, by registered or certified mail by the prosecuting attorney [.] *; and*

(c) Accompanied by a copy of the affidavit or declaration and the name, address and telephone number of the affiant or declarant.

3. [If the defendant or his counsel notifies the prosecuting attorney by registered or certified mail at least 96 hours before the date set for the trial or preliminary hearing that the presence of the expert or other person is demanded, the affidavit or declaration must not be admitted. A defendant who demands the presence of the expert or other person and is convicted of

violating NRS 484.379 or a provision of chapter 484 of NRS for which a driver's license may be revoked shall pay the fees and expenses of that witness at the trial or preliminary hearing.

4. If at the trial or preliminary hearing the affidavit or declaration of an expert or other person has been admitted in evidence, and it appears to be in the interest of justice that the expert or other person be examined or cross-examined in person, the judge or justice of the peace may adjourn the trial or hearing for a period not to exceed 3 judicial days to receive the testimony. If 3 judicial days are not sufficient in a county whose population is less than 35,000 to provide the presence of the expert or other person to be examined or cross-examined, the judge, justice of the peace or hearing officer may extend the period of adjournment for a period not exceeding 10 days. The time within which a preliminary hearing or trial is required is extended by the time of the adjournment.] *The provisions of this section do not prohibit either party from producing any witness to offer testimony at trial.*".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 161.

Bill read second time.

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

Amendment No. 1006.

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 through 7 as sections 4 through 6.

Amend the bill as a whole by deleting sec. 8.

Amend the title of the bill by deleting the fourth and fifth lines and inserting: "ance of his duties; and providing other matters properly relating thereto.".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 255.

Bill read second time and ordered to third reading.

Senate Bill No. 366.

Bill read second time and ordered to third reading.

Senate Bill No. 422.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1041.

Amend section 1, page 1, line 2, by deleting: "2, 3 and 4" and inserting: "2 to 4.5, inclusive,".

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. *All advertising by or business cards of a certificate holder must include the number of his certificate.*".

Amend sec. 16, page 5, line 8, by deleting "*$300.00*" and inserting "*$200.00*".

Amend the title of the bill, fourth line, after "circumstances;" by inserting: "providing that all advertising by or business cards of a certificate holder must include the number of his certificate;".

Assemblyman Brower moved the adoption of the amendment.

Remarks by Assemblymen Brower and Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 431.

Bill read second time and ordered to third reading.

Senate Bill No. 456.

Bill read second time.

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

Amendment No. 1043.

Amend section 1, page 1, line 2, by deleting "5," and inserting "8,".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. *"Extraordinary maintenance, repair or improvement" means all expenses ordinarily incurred not more than once every 5 years to maintain a local governmental facility or capital project in a fit operating condition.*".

Amend sec. 2, page 1, line 12, by deleting: "*local government facilities.*" and inserting: "*existing local government facilities or facilities which replace those facilities.*".

Amend sec. 2, page 2, by deleting lines 7 through 10.

Amend the bill as a whole by renumbering sections 4 through 6 as sections 7 through 9 and adding new sections designated as sections 5 and 6, following sec. 3, to read as follows:

"Sec. 5. *1. A local government in a county whose population is 100,000 or more shall establish a fund for the extraordinary maintenance, repair or improvement of capital projects. The local government shall establish within that fund a separate account for each capital project it undertakes, except a capital project for the construction of public roads or a capital project for the control of floods. The local government shall allocate an amount equal to one-half of 1 percent of the total amount of the bonds sold for each capital project and deposit that amount in the separate account established for that capital project. The proceeds from the sale of those bonds or any other money of the local government may be used to carry out the provisions of this subsection.*

2. Any interest and income earned on the money in an account within the fund in excess of any amount which is reserved for rebate payments to the Federal Government pursuant to 26 U.S.C. § 148, as amended, or is otherwise required to be applied in a specific manner by the Internal Revenue Code of 1986, as amended, must be credited to that account.

3. The money in each account within the fund may be used only for the extraordinary maintenance, repair or improvement of the capital project or a facility which replaces that capital project. The money in each account within the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than the purpose specified in this subsection. If the local government sells any capital project for which an account within the fund was established, any balance remaining in that account must be used to reduce the debt of the local government.

4. The annual budget and audit report of the local government prepared pursuant to NRS 354.624 must specifically identify:

(a) Each fund and every account within that fund established pursuant to this section and indicate in detail any extraordinary maintenance, repairs or improvements of the capital project that have been paid for with money from the fund; and

(b) Any planned accumulation of money in each fund and every account within the fund.

The audit report must include a statement by the auditor whether the local government has complied with the provisions of this subsection.

Sec. 6. *1. A local government in a county whose population is less than 100,000 may establish a fund for the extraordinary maintenance, repair or improvement of capital projects. If the local government establishes such a fund, the local government must establish within that fund a separate account for each capital project it undertakes, except a capital project for the construction of public roads or a capital project for the control of floods.*

2. Any interest and income earned on the money in an account within the fund in excess of any amount which is reserved for rebate payments to the Federal Government pursuant to 26 U.S.C. § 148, as amended, or is otherwise required to be applied in a specific manner by the Internal Revenue Code of 1986, as amended, must be credited to that account.

3. The money in each account within the fund may be used only for the extraordinary maintenance, repair or improvement of the capital project or a facility which replaces that capital project. The money in each account within the fund at the end of the fiscal year may not revert to any other fund or be a surplus for any purpose other than the purpose specified in this subsection. If the local government sells any capital project for which an account within the fund was established, any balance remaining in that account must be used to reduce the debt of the local government.

4. The annual budget and audit report of the local government prepared pursuant to NRS 354.624 must specifically identify:

(a) Each fund and every account within that fund established pursuant to this section and indicate in detail any extraordinary maintenance, repairs or improvements of the capital project that have been paid for with money from the fund; and

(b) Any planned accumulation of money in each fund and every account within the fund.

The audit report must include a statement by the auditor whether the local government has complied with the provisions of this subsection.".

Amend sec. 4, page 2, between lines 41 and 42, by inserting:

"*3. The balance in the fund must not exceed 10 percent of the expenditures from the general fund for the previous fiscal year, excluding any federal funds expended by the local government.*".

Amend sec. 5, page 2, line 44, by deleting: "2, *3 and 4*" and inserting: "*3, 4 and 7*".

Amend sec. 6, page 3, line 1, by deleting "*5,*" and inserting: "*8,*".

Amend the bill as a whole by renumbering sec. 7 as sec. 11 and adding a new section designated sec. 10, following sec. 6, to read as follows:

"Sec. 10. NRS 354.474 is hereby amended to read as follows:

354.474 1. Except as otherwise provided in subsections 2 and 3, the provisions of NRS 354.470 to 354.626, inclusive, *and sections 2 to 8, inclusive, of this act,* apply to all local governments. For the purpose of NRS 354.470 to 354.626, inclusive, *and sections 2 to 8, inclusive, of this act,* "local government" means every political subdivision or other entity which has the right to levy or receive money from ad valorem or other taxes or any mandatory assessments, and includes , without limitation , counties, cities, towns, boards, school districts and other districts organized pursuant to chapters 244A, 309, 318, 379, 474, 541, 543 and 555 of NRS, NRS 450.550 to 450.700, inclusive, and any agency or department of a county or city which prepares a budget separate from that of the parent political subdivision.

2. An irrigation district organized pursuant to chapter 539 of NRS shall fix rates and levy assessments as provided in NRS 539.667 to 539.683, inclusive. The levy of such assessments and the posting and publication of claims and annual financial statements as required by chapter 539 of NRS shall be deemed compliance with the budgeting, filing and publication requirements of NRS 354.470 to 354.626, inclusive, but any such irrigation district which levies an ad valorem tax shall comply with the filing and publication requirements of NRS 354.470 to 354.626, inclusive, in addition to the requirements of chapter 539 of NRS.

3. An electric light and power district created pursuant to chapter 318 of NRS shall be deemed to have fulfilled the requirements of NRS 354.470 to 354.626, inclusive, *and sections 2 to 8, inclusive, of this act,* for a year in which the district does not issue bonds or levy an assessment if the district files with the department of taxation a copy of all documents relating to its budget for that year which the district submitted to the Rural Electrification Administration of the United States Department of Agriculture.".

Amend sec. 7, page 3, line 5, by deleting "*5,*" and inserting "*8,*".

Amend sec. 7, page 3, line 6, after "inclusive," by inserting: "*and section 2 of this act,*".

Amend the title of the bill by deleting the second through fourth lines and inserting: "extraordinary maintenance, repair or improvement of local governmental facilities and capital projects, the construction of capital projects and the stabilization of the operation of local government; requiring certain local governments to establish a fund for the extraordinary maintenance, repair or improvement of capital projects; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting: "Authorizes local government to establish" and inserting: "Provides for establishment of".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 488.

Bill read second time and ordered to third reading.

Senate Bill No. 496.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1048.

Amend sec. 2, page 2, line 17, by deleting "$95,000," and inserting "$125,000,".

Amend sec. 75, page 35, by deleting line 1 and inserting:

"Sec. 75. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 562.

Bill read second time and ordered to third reading.

Senate Joint Resolution No. 21.

Resolution read second time and ordered to third reading.

Assembly Bill No. 122.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 193.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1153.

Amend the bill as a whole by deleting sections 1 through 11 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A person shall not use in connection with his name the words or letters "Dietitian," "Licensed Dietitian," "Registered Dietitian," "L.D.," "R.D." or any other title, word, letter or other designation intended to designate that he is a licensed or registered dietitian without being registered with the Commission on Dietetic Registration, a member of the National Commission on Health Certifying Agencies, or its successor organization.

2. Any person who violates the provisions of this section is guilty of a misdemeanor.".

Amend the summary of the bill, second line, by deleting "(BDR 54-971)" and inserting "(BDR 40-971)".

Assemblyman Brower moved the adoption of the amendment.

Remarks by Assemblyman Brower.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 185, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for the further consideration of the measure.

DAVID E. HUMKE	MAURICE E. WASHINGTON
BERNARD J. ANDERSON	O. C. LEE
LYNN HETTRICK	MIKE MCGINNESS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Humke moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 185.

Remarks by Assemblymen Humke and Mr. Speaker Hettrick.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Schneider, Carpenter and Goldwater as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 185.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 149, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 4, which is attached to and hereby made a part of this report.

VONNE CHOWNING	RAYMOND D. RAWSON
DENNIS L. ALLARD	BOB COFFIN
ROBERT E. PRICE	DEAN A. RHOADS
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 4.

Amend sec. 2, page 1, by deleting lines 17 through 20 and inserting:

"*(a) Every time a person with a disability is to be placed pursuant to subsection 2 of NRS 395.010 in a foster home or residential facility, meet to determine the needs of the person and the availability of homes or facilities under the authority of the department of human resources after a joint evaluation of that person is completed by the department of education and the department of human resources;*".

Amend sec. 3, page 2, by deleting lines 6 through 9 and inserting: "*this chapter must be given priority of placement in homes or facilities which are located in this state and under the authority of the department of human resources.*".

Assemblyman Chowning moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 149.

Remarks by Assemblyman Chowning.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 230, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 5, which is attached to and hereby made a part of this report.

MARCIA DE BRAGA	DEAN A. RHOADS
DOUGLAS A. BACHE	MIKE MCGINNESS
DAVID E. HUMKE	O. C. LEE
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 5.

Amend section 1, page 1, line 6, by deleting: ", *or the enhancement of habitats for,*".

Amend sec. 3, page 2, line 43, by deleting "*12*" and inserting "*18*".

Assemblyman de Braga moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 230.

Remarks by Assemblyman de Braga.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 61.

The following Senate amendment was read:

Amendment No. 767.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 11 and 12 and adding new sections designated sections 1 through 10, following the enacting clause, to read as follows:

"Section 1. Chapter 616 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Upon receipt of a complaint for a violation of subsection 1 of NRS 616.647, or if the administrator has reason to believe that such a violation has occurred, the administrator shall cause to be conducted an investigation of the alleged violation. Except as otherwise provided in subsection 2, the administrator shall, within 30 days after initiating the investigation:

(a) Render a determination. The determination must include his findings of fact and, if he determines that a violation has occurred, one or more of the following:

(1) The amount of any fine required to be paid pursuant to NRS 616.647.

(2) The amount of any benefit penalty required to be paid to a claimant pursuant to NRS 616.647.

(3) A plan of corrective action to be taken by the insurer, organization for managed care, health care provider, third-party administrator or employer, including the manner and time within which the violation must be corrected.

(4) A requirement that notice of the violation be given to the appropriate agency that regulates the activities of the violator.

(b) Notify the commissioner if he determines that a violation was committed by a self-insured employer, association of self-insured public or private employers or third-party administrator.

2. Upon receipt of a complaint for any violation of paragraph (a) or (c) of subsection 1 of NRS 616.647, or if the administrator has reason to believe that such a violation has occurred, the administrator shall complete the investigation required by subsection 1 within 120 days and, within 30 days after the completion of the investigation, render a determination and notify the commissioner if he determines that a violation was committed by a self-insured employer, association of self-insured public or private employers or third-party administrator.

3. If, based upon the administrator's findings of fact, he determines that a violation has not occurred, he shall issue a determination to that effect.

Sec. 2. NRS 616.027 is hereby amended to read as follows:

616.027 1. Except as otherwise provided in subsection 3, "average monthly wage" means the lesser of:

(a) The monthly wage actually received or deemed to have been received by the employee on the date of the accident or injury to the employee, excluding remuneration from employment:

(1) Not subject to the Nevada Industrial Insurance Act or the Nevada Occupational Diseases Act; and

(2) For which coverage is elective, but has not been elected; or

(b) One hundred fifty percent of the state average weekly wage as most recently computed by the employment security division of the department of employment, training and rehabilitation during the fiscal year preceding the date of the injury or accident, multiplied by 4.33.

2. For the purposes of subsection 1:

(a) The date of the accident or injury to the employee must be determined pursuant to NRS 616.625.

(b) "Wage":

(1) Does not include any amount paid by an employer for health insurance that covers an employee or his dependents, or both.

(2) Is increased by the amount of tips reported by an employee to his employer pursuant to 26 U.S.C. § 6053(a), except:

(I) Tips in a form other than cash; and

(II) Tips in cash which total less than $20 per month.

3. For the purpose of increasing compensation for permanent total disability pursuant to NRS 616.6262 or increasing death benefits pursuant to NRS 616.6282, "average monthly wage" has the meaning shown in the following schedule:

Effective Date		Average Monthly Wage for Prior Fiscal Year
July 1, 1973		$688.60
July 1, 1974		727.48
July 1, 1975	[761.47]	*1,142.21*
July 1, 1976	[807.33]	*1,211.00*
July 1, 1977	[858.29]	*1,287.44*
July 1, 1978	[918.05]	*1,377.08*
July 1, 1979	[992.31]	*1,488.46*
July 1, 1980	[1,061.24]	*1,591.86*

Sec. 3. NRS 616.182 is hereby amended to read as follows:

616.182 1. Except as otherwise provided in this section, the division shall regulate insurers under this chapter and chapter 617 of NRS and investigate insurers regarding compliance with statutes and the division's regulations.

2. The commissioner is responsible for reviewing rates, investigating the solvency of insurers and certifying self-insured employers, associations of self-insured public or private employers and third-party administrators pursuant to NRS 616.291 to 616.298, inclusive, 616.338, 616.3791 to 616.37997, inclusive, and chapter 683A of NRS.

3. The department of administration is responsible for contested claims relating to workers' compensation pursuant to NRS 616.5395 to 616.544, inclusive. The system is responsible for administrative appeals pursuant to NRS 616.392.

4. The Nevada attorney for injured workers is responsible for legal representation of claimants pursuant to NRS 616.253 to 616.2539, inclusive [.] *, and 616.647.*

5. The division is responsible for the investigation of complaints. If a complaint is filed with the division , [by an employee of a self-insured employer or of an employer who is a member of an association of self-insured public or private employers, or by a third-party administrator or provider of medical care regarding compliance with statutes or the division's regulations,] the administrator shall cause to be conducted an investigation which includes a review of relevant records and interviews of affected persons.

[6. If an investigation conducted pursuant to subsection 5 indicates that a self-insured employer or an association of self-insured public or private employers has failed to comply with a statute or regulation, the administrator may order that an evidentiary hearing take place. Upon a finding that intentional or repeated noncompliance has occurred, the administrator shall impose an administrative fine of not more than $250 for each initial noncom-

pliance which was not intentional, or a fine of not more than $1,000 for each intentional or repeated noncompliance. Two or more findings of material noncompliance within a 12-month period constitute grounds for the suspension of the self-insured employer's or association's certification by the commissioner.] *If the administrator determines that a violation may have occurred, the administrator shall proceed in accordance with the provisions of NRS 616.647 and section 2 of this act.*

Sec. 4. NRS 616.2207 is hereby amended to read as follows:

616.2207 1. If a person wishes to contest *a decision of the administrator to impose* an administrative fine [imposed by the administrator] *or benefit penalty* pursuant to this chapter or chapter 617 of NRS, he must file a notice of appeal with the division within [30] *10* days after [the fine is imposed,] *receipt of the administrator's decision,* showing why the proposed fine *or benefit penalty* should not be imposed . [against him.]

2. If a notice of appeal is filed as required by subsection 1, [the administrator shall issue a complaint setting forth the factual basis for his determination that a violation has occurred. The person against whom a complaint is issued shall file an answer to the complaint within 30 days after the complaint is issued. If the person desires a hearing on the matter, by a request for hearing. If an answer and a request for hearing are filed as required by this subsection,] the administrator shall [set] , *in accordance with the provisions of NRS 233B.121, issue a notice of hearing that must include* a date for a hearing on the matter, which must be no sooner than 30 days after the [answer and request for hearing are] *notice of appeal is* filed. *The administrator may grant a continuance of the hearing upon a showing of good cause.*

3. If a notice of appeal [or an answer] is not filed as required by this section, the imposition of the fine *or benefit penalty* shall be deemed a final order and is not subject to review by any court or agency.

4. Except as otherwise provided in NRS 616.425, a hearing held pursuant to this section must be conducted by the administrator or a person designated by him. A record of the hearing must be kept but it need not be transcribed unless it is requested by the person against whom the order or notice of violation has been issued and that person pays the cost of transcription. [A] *The administrator shall render a* written decision [affirming or reversing the imposition of the fine must be rendered.] *on the appeal.*

5. An administrative fine imposed pursuant to this chapter or chapter 617 of NRS must be paid to the division. If the violation for which the fine is levied was committed by a person while acting within the course and scope of his agency or employment, the fine must be paid by his principal or employer. The fine may be recovered in a civil action brought in the name of the division in a court of competent jurisdiction in the county in which the violation occurred or in which the person against whom the fine is levied has his principal place of business.

6. A benefit penalty imposed pursuant to NRS 616.647 must be paid to the claimant on whose behalf it is imposed. If such payment is not made within the period required by NRS 616.647, the benefit penalty may be

recovered in a civil action brought by the administrator on behalf of the claimant in a court of competent jurisdiction in the county in which the claimant resides, in which the violation occurred or in which the person who is required to pay the benefit penalty has his principal place of business.

7. Any party aggrieved by a decision of the administrator rendered pursuant to this section may appeal the decision directly to the district court.

Sec. 5. NRS 616.221 is hereby amended to read as follows:

616.221 Except as otherwise provided in NRS *616.2207,* 616.377 and 617.275, any party who is aggrieved by a decision of the administrator may appeal that decision directly to the district court.

Sec. 6. NRS 616.293 is hereby amended to read as follows:

616.293 1. Upon determining that an employer is qualified as a self-insured employer, the commissioner shall issue a certificate to that effect to the employer and the administrator. *No certificate may be issued to any employer who, within the 2 years immediately preceding his application, has had his certification as a self-insured employer involuntarily withdrawn by the commissioner.*

2. Except as otherwise provided in NRS 616.2935 and 616.294, certificates issued pursuant to this section remain in effect until withdrawn by the commissioner or canceled by the employer. Coverage for employers qualifying under NRS 616.272 becomes effective on the date of certification or the date specified in the certificate.

Sec. 7. NRS 616.296 is hereby amended to read as follows:

616.296 1. [Before] *Except as otherwise provided in NRS 616.647, before* any action may be taken pursuant to subsection 2, the commissioner of insurance shall arrange an informal meeting with the self-insured employer to discuss and seek correction of any conduct which would be grounds for withdrawal of the self-insured employer's certificate of self-insurance.

2. [Before] *Except as otherwise provided in NRS 616.647, before* the withdrawal of the certification of any self-insured employer, the commissioner of insurance shall give written notice to that employer by certified mail that his certification will be withdrawn 10 days after receipt of the notice unless, within that time, the employer corrects the conduct set forth in the notice as the reason for the withdrawal or submits a written request for a hearing to the commissioner of insurance. Before requesting a hearing the employer must make the deposit required by NRS 616.291.

3. If the employer requests a hearing:

(a) The commissioner of insurance shall set a date for a hearing within 20 days after receiving the appeal request, and shall give the employer at least 10 business days' notice of the time and place of the hearing.

(b) A record of the hearing must be kept but it need not be transcribed unless requested by the employer with the cost of transcription to be charged to the employer.

(c) Within 5 business days after the hearing, the commissioner of insurance shall either affirm or disaffirm the withdrawal and give the employer written notice thereof by certified mail. If withdrawal of certification is

affirmed, the withdrawal becomes effective 10 business days after the employer receives notice of the affirmance unless within that period of time the employer corrects the conduct which was ground for the withdrawal or petitions for judicial review of the affirmance.

4. If the withdrawal of certification is affirmed following judicial review, the withdrawal becomes effective 5 days after entry of the final decree of affirmance.

Sec. 8. NRS 616.37917 is hereby amended to read as follows:

616.37917 1. The commissioner shall grant or deny an application for certification as an association of self-insured public or private employers within 60 days after receiving the application. If the commissioner is unable to act upon the application within this 60-day period, he may extend the period for granting or denying the application, but for not longer than an additional 90 days.

2. Upon determining that an association is qualified as an association of self-insured public or private employers, the commissioner shall issue a certificate to that effect to the association and the administrator. *No certificate may be issued to an association that, within the 2 years immediately preceding its application, has had its certification as an association of self-insured public or private employers involuntarily withdrawn by the commissioner.*

3. A certificate issued under this section remains in effect until withdrawn by the commissioner or canceled at the request of the association. Coverage for an association granted a certificate becomes effective on the date of certification or the date specified in the certificate.

4. The commissioner shall not grant a request to cancel a certificate unless the association has insured or reinsured all incurred obligations with an insurer authorized to do business in this state pursuant to an agreement filed with and approved by the commissioner. The agreement must include coverage for actual claims and claims filed with the association but not reported, and the expenses associated with those claims.

Sec. 9. NRS 616.3798 is hereby amended to read as follows:

616.3798 1. [Before] *Except as otherwise provided in NRS 616.647, before* any action may be taken pursuant to subsection 2, the commissioner shall arrange an informal meeting with an association of self-insured public or private employers to discuss and seek correction of any conduct which would be grounds for withdrawal of the certificate of the association.

2. [Before] *Except as otherwise provided in NRS 616.647, before* the withdrawal of the certificate of any association of self-insured public or private employers, the commissioner shall give written notice to the association by certified mail that its certificate will be withdrawn 10 days after receipt of the notice unless, within that time, the association corrects the conduct set forth in the notice as the reason for the withdrawal or submits a written request for a hearing to the commissioner.

3. If the association requests a hearing:

(a) The commissioner shall set a date for a hearing within 20 days after receiving the request and give the association at least 10 business days' notice of the time and place of the hearing.

(b) A record of the hearing must be kept, but it need not be transcribed unless requested by the association with the cost of transcription to be charged to the association.

(c) Within 5 business days after the hearing, the commissioner shall either affirm or disaffirm the withdrawal and give the association written notice thereof by certified mail. If withdrawal of certification is affirmed, the withdrawal becomes effective 10 business days after the association receives notice of the affirmance unless within that period the association corrects the conduct which was grounds for the withdrawal or petitions for judicial review of the affirmance.

4. If the withdrawal of certification is affirmed following judicial review, the withdrawal becomes effective 5 days after entry of the final decree of affirmance.

Sec. 10. NRS 616.647 is hereby amended to read as follows:

616.647 1. Except as otherwise provided in [subsection 2,] *this section*, if the administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has:

(a) *Through fraud, coercion, duress or undue influence:*

(1) Induced a claimant [for compensation] to fail to report an accidental injury or occupational disease;

[(b)] *(2)* Persuaded a claimant to settle for an amount which is less than reasonable;

[(c)] *(3)* Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending; *or*

[(d)] *(4)* Persuaded a claimant to accept less than the compensation found to be due him by a hearing officer , [or] appeals officer [;

(e)] *, court of competent jurisdiction, written settlement agreement, written stipulation or the division when carrying out its duties pursuant to this chapter and chapter 617 of NRS;*

(b) Refused to pay or unreasonably delayed payment to a claimant of compensation found to be due him by a hearing officer , [or] appeals officer [;

(f)] *, court of competent jurisdiction, written settlement agreement, written stipulation or the division when carrying out its duties pursuant to this chapter or chapter 617 of NRS, if the refusal or delay occurs:*

(1) Later than 30 days after the date of the settlement agreement or stipulation;

(2) Later than 30 days after the date of the decision of a court, hearing officer, appeals officer or division, unless a stay has been granted; or

(3) Later than 10 days after a stay of the decision of a court, hearing officer, appeals officer or division has been lifted;

(c) Refused to process a claim for compensation pursuant to this chapter or chapter 617 of NRS;

(d) Made it necessary for a claimant to [resort to proceedings against the employer or insurer] *initiate proceedings pursuant to this chapter or chapter 617 of NRS* for compensation found to be due him by a hearing officer , [or] appeals officer [;

(g)] , *court of competent jurisdiction, written settlement agreement, written stipulation or the division when carrying out its duties pursuant to this chapter or chapter 617 of NRS;*

(e) Failed to comply with the division's regulations covering the payment of an assessment relating to the funding of costs of administration of this chapter and chapter 617 of NRS; or

[(h) Intentionally or repeatedly]

(f) Intentionally failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 617 of NRS,

the administrator shall impose an administrative fine of not more than [$250] *$1,000* for each initial violation ,[which was not intentional,] or a fine of not more than [$1,000 for each intentional or repeated] *$10,000 for a second or subsequent* violation.

2. *Except as otherwise provided in this chapter or chapter 617 of NRS, if the administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has failed to comply with any provision of this chapter or chapter 617 of NRS, or any regulation adopted pursuant thereto, the administrator may take any of the following actions:*

(a) Issue a notice of correction for:

(1) A minor violation, as defined by regulations adopted by the division; or

(2) A violation involving the payment of compensation in an amount which is greater than that required by any provision of this chapter or chapter 617 of NRS, or any regulation adopted pursuant thereto.

The notice of correction must set forth with particularity the violation committed and the manner in which the violation may be corrected.

(b) Impose an administrative fine for:

(1) A second or subsequent violation for which a notice of correction has been issued pursuant to paragraph (a); or

(2) Any other violation of this chapter or chapter 617 of NRS, or any regulation adopted pursuant thereto, for which a notice of correction may not be issued pursuant to paragraph (a).

The fine imposed may not be greater than $250 for an initial violation, or more than $1,000 for any second or subsequent violation.

(c) Order a plan of corrective action to be submitted to the administrator within 30 days after the date of the order.

3. *If the administrator determines that a violation of any of the provisions of paragraphs (a) to (d), inclusive, of subsection 1 has occurred, the administrator shall order the insurer, organization for managed care, health care provider, third-party administrator or employer to pay to the claimant a benefit penalty of $10,000 in addition to any administrative fine imposed pursuant to subsection 1. The benefit penalty is for the benefit of the claimant*

and must be paid directly to him within 10 days after the date of the administrator's determination. Proof of the payment of the benefit penalty must be submitted to the administrator within 10 days after the date of his determination unless an appeal is filed pursuant to NRS 616.2207. Any compensation to which the claimant may otherwise be entitled pursuant to this chapter or chapter 617 of NRS must not be reduced by the amount of any benefit penalty received pursuant to this subsection.

4. In addition to any fine *or benefit penalty* imposed pursuant to [subsection 1,] *this section,* the administrator may assess against an insurer who violates any regulation concerning the reporting of claims expenditures used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

[3.] *5.* If the administrator determines that a person has violated any of the provisions of NRS 616.630, 616.635, 616.640 or 616.675 to 616.700, inclusive, the administrator shall impose an administrative fine of not more than $10,000.

[4.] *6.* Two or more fines of $1,000 *or more, or two benefit penalties,* imposed in 1 year for acts enumerated in subsection 1 must be considered by the commissioner as evidence for the withdrawal of [a certificate of self-insurance to act as a self-insured employer or an association of self-insured public or private employers.

5.] *:*

(a) A certificate to act as a self-insured employer.

(b) A certificate to act as an association of self-insured public or private employers.

(c) A certificate of registration as a third-party administrator.

7. The commissioner may *, without complying with the provisions of NRS 616.296 or 616.3798,* withdraw the certification of a self-insured employer *,* [or an] association of self-insured public or private employers *or third-party administrator* if, after a hearing, it is shown that the self-insured employer *,* [or] association *of self-insured public or private employers or third-party administrator* violated any provision of subsection 1.".

Amend sec. 2, page 1, by deleting line 25 and inserting:

"Sec. 12. 1. This section and sections 1, 2, 4 to 7, inclusive, and 11 of this act become effective on July 1, 1995.

2. Sections 3, 8, 9 and 10 of this act become effective at 12:01 a.m. on July 1, 1995.".

Amend the title of the bill, first line, by deleting: "the control of asbestos;" and inserting: "labor; revising the administrative penalties that may be imposed for violations of the provisions governing industrial injuries and occupational diseases;".

Amend the summary of the bill to read as follows:

"Summary—Revises administrative penalties for violations of provisions governing industrial injuries, occupational diseases and control of asbestos. (BDR 53-890)".

Assemblyman Krenzer moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 61.

Remarks by Assemblyman Krenzer.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 289.

The following Senate amendment was read:

Amendment No. 1011.

Amend sec. 2, page 2, line 22, by deleting "482.3825," and inserting: "482.3825 or sample license plate issued pursuant to section 1 of [this act,] *Senate Bill No. 188 of this session,*".

Amend sec. 2, page 2, line 23, by deleting "such" and inserting "those".

Amend sec. 2, page 2, line 28, by deleting: "For purposes of" and inserting: "As used in".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 289.

Remarks by Assemblyman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 256.

The following Senate amendment was read:

Amendment No. 720.

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

"Sec. 2. Chapter 432B of NRS is hereby amended by adding thereto a new section to read as follows:

In any proceeding held pursuant to NRS 432B.410 to 432B.600, inclusive, if the court determines that a custodial parent or guardian of a child who has been placed in protective custody has ever been convicted of a violation of NRS 200.508, the court shall not release the child to that custodial parent or guardian unless the court finds by clear and convincing evidence presented at the proceeding that no physical or psychological harm to the child will result from his release to that parent or guardian.".

Amend sec. 2, page 2, line 15, after "provisions of" by inserting: "section 1 of".

Amend the title of the bill to read as follows:

"An Act relating to children; increasing the penalty for abuse, neglect or endangerment of a child where substantial bodily or mental harm results; specifying the proof required before a child placed in protective custody may be released to a custodial parent who has abused or neglected the child; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions relating to protection of children. (BDR 15-1446)".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Bill No. 256.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 430.

The following Senate amendment was read:

Amendment No. 1033.

Amend section 1, page 1, by deleting line 18 and inserting:

"*(h) Office of financial management, training and controls; and*".

Assemblyman Marvel moved that the Assembly concur in the Senate amendment to Assembly Bill No. 430.

Remarks by Assemblyman Marvel.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 436.

The following Senate amendment was read:

Amendment No. 981.

Amend the bill as a whole by renumbering sec. 6 as sec. 8 and adding new sections designated sections 6 and 7, following sec. 5, to read as follows:

"Sec. 6. Chapter 652 of NRS is hereby amended by adding thereto a new section to read as follows:

A licensed nurse who is employed by a medical facility which is licensed pursuant to chapter 449 of NRS may perform any laboratory test which is classified as a waived test pursuant to Subpart A of Part 493 of Title 42 of the Code of Federal Regulations if the laboratory director of the medical laboratory in which the test is conducted or a person he has designated:

1. Verifies that the nurse is competent to perform the test;

2. Ensures that the test is performed in accordance with any manufacturer's instructions; and

3. Validates and verifies the manner in which the test is performed through the use of controls which assure accurate and reliable results of the test.

Sec. 7. NRS 652.080 is hereby amended to read as follows:

652.080 1. Except as *otherwise* provided in NRS 652.235 [,] *and section 6 of this act,* no person, corporation, partnership or other form of business entity may operate, conduct, issue a report from or maintain a medical laboratory without first obtaining a license to do so issued by the board pursuant to the provisions of this chapter.

2. Such *a* license [shall be] *is* valid for 12 months and [shall be] *is* renewable annually on or before the date of its expiration.

3. No license may be issued to a laboratory which does not have a laboratory director.

4. A license may be placed in an inactive status upon the approval of the board and the payment of current fees.".

Amend the title of the bill to read as follows:

"An Act relating to health care; authorizing the board of county commissioners in certain counties to provide by ordinance that the board of county commissioners is, ex officio, the board of hospital trustees; providing that the terms of office of the incumbent hospital trustees are terminated upon the effective date of such an ordinance; authorizing certain licensed nurses to perform certain tests in medical laboratories without obtaining a license for that purpose; and providing other matters properly relating thereto.".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 436.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 313.

The following Senate amendment was read:

Amendment No. 947.

Amend section 1, page 1, line 5, by deleting: "crossing over to public land [," and inserting: "[crossing over to public land,".

Amend section 1, page 1, line 6, by deleting the brackets.

Amend section 1, page 1, line 11, by inserting an open bracket before "cross".

Amend section 1, page 1, by deleting line 12 and inserting: "public land, hunt, fish, trap, camp, hike, sightsee, hang glide, para-glide or]".

Amend section 1, page 1, line 13, by deleting "*to*".

Amend section 1, page 1, line 15, by deleting "purpose," and inserting "purpose [,".

Amend section 1, page 1, line 16, by inserting a closed bracket after "owed,".

Amend section 1, page 2, line 3, by inserting an open bracket before "cross".

Amend section 1, page 2, by deleting line 4 and inserting: "land, hunt, fish, trap, camp, hike, sightsee, hang glide, para-glide or]".

Amend section 1, page 2, line 11, by inserting an open bracket before "cross".

Amend section 1, page 2, by deleting line 12 and inserting: "public land, hunt, fish, trap, camp, hike, sightsee, hang glide, para-glide or]".

Amend section 1, page 2, line 13, by deleting "*to*participate" and inserting "participate".

Amend section 1, page 2, line 31, by deleting "*and*".

Amend section 1, page 2, line 32, by deleting the period and inserting: "*; and*

(l) Crossing over to public land or land dedicated for public use.".

Amend the title of the bill to read as follows:

"An Act relating to actions concerning persons; clarifying the limitation of liability granted to owners, lessees or occupants of any premises for injuries to persons who participate in recreational activities on those premises; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, by deleting: "to cross over to public land or".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Bill No. 313.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 131, 205; Assembly Joint Resolution No. 43; Senate Bill No. 248; Senate Joint Resolution No. 17.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Barbara Hatch and Kathy Westmoreland.

On request of Assemblyman Evans, the privilege of the floor of the Assembly Chamber for this day was extended to Pat Hatch and Kent Hatch.

On request of Assemblyman Harrington, the privilege of the floor of the Assembly Chamber for this day was extended to Mark D. Thuet.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Becky Boatwright.

Assemblyman Ernaut moved that the Assembly adjourn until Friday, June 23, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 3:05 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND FIFTY-NINTH DAY

CARSON CITY (Friday), June 23, 1995

Assembly called to order at 11:07 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblymen Arberry, Sandoval and Williams, who were excused.

Prayer by the Chaplain, The Reverend Lawrence Huntt.

Our Heavenly Father, we give praise to Thee and thanks to You for the inspiration, help and counseling You have given and are continuing to give to the legislators of this 1995 session. We pray that You will continue to lead them to accomplish that which is best for the people of the State of Nevada.

Father, we have a special request that You remember and help Assemblyman Brian Sandoval's wife, who is in labor with her first child and having complications. We pray, Father, that You will see her through and safely, as well as the child. These things we pray and ask these things in Thy most Holy Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Bill No. 553, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JACK D. CLOSE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 190, 473, 503, 504, 545, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Senate Bill No. 458, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DENNIS NOLAN, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 22, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 367, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assembly Concurrent Resolution No. 46.

Resolution read.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1140.

Amend the resolution, page 2, between lines 16 and 17, by inserting:

"RESOLVED, That in the development of management techniques to balance the interests of all affected persons and achieve and maintain elk population goals, the Division of Wildlife of the State Department of Conservation and Natural Resources should give full consideration to the selective use of damage compensation tags; and be it further".

Amend the preamble to the resolution, page 1, by deleting lines 15 through 17 and inserting:

"WHEREAS, Elk herds that exceed the carrying capacity of the habitat may degrade that habitat, especially in combination with other animals, including wild horses, using the same habitat; and

WHEREAS, While the program to issue compensation tags for damage to property by deer and antelope has been determined to be successful, there is no analogous program for damage to property caused by elk; and".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Senate Concurrent Resolution No. 38.

Assemblyman Close moved the adoption of the resolution.

Remarks by Assemblyman Close.

Resolution adopted.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 200, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 144, 499, 521, 548, 552, 585, 607, 623, 697, 717, 722; Senate Bills Nos. 157, 161, 193, 422, 456, 496 be placed on the General File immediately following Assembly Bill No. 122.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 122.

Bill read third time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1242.

Amend sec. 9, page 5, by deleting line 35 and inserting:

"652.080 1. Except as otherwise provided in NRS 652.235 and section 6 of [this act,] *Assembly Bill No. 436 of this session,* no person [,".

Amend sec. 9, page 5, by deleting lines 40 and 41 and inserting:

"2. [Such a] *A* license *issued pursuant to the provisions of subsection 1* is valid for 12 months and is renewable annually on or".

Assemblyman Monaghan moved the adoption of the amendment.

Remarks by Assemblyman Monaghan.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 144.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 144:

YEAS—38.

NAYS—None.

Absent—Arberry, Price, Sandoval, Williams—4.

Assembly Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 499.

Bill read third time.

Remarks by Assemblyman Harrington.

Roll call on Assembly Bill No. 499:

YEAS—33.

NAYS—Evans, Marvel, Neighbors, Schneider, Mr. Speaker Dini—5.

Absent—Arberry, Price, Sandoval, Williams—4.

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

Bill ordered transmitted to the Senate.

Assembly Bill No. 521.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 521:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Assembly Bill No. 521 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 548.

Bill read third time.

Remarks by Assemblymen Carpenter, Segerblom, Ernaut and Hettrick.

Roll call on Assembly Bill No. 548:

YEAS—37.

NAYS—Freeman, Segerblom—2.

Absent—Arberry, Sandoval, Williams—3.

Assembly Bill No. 548 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Senate Bill No. 144 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Goldwater moved that Senate Bill No. 377 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 552.

Bill read third time.

Remarks by Assemblymen Nolan, Goldwater and Bache.

Roll call on Assembly Bill No. 552:

YEAS—38.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Not voting—Krenzer.

Assembly Bill No. 552 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 585.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Assembly Bill No. 585:

YEAS—37.

NAYS—Carpenter, Steel—2.

Absent—Arberry, Sandoval, Williams—3.

Assembly Bill No. 585 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 607.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Assembly Bill No. 607:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Assembly Bill No. 607 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 623.

Bill read third time.

Remarks by Assemblymen Humke and Goldwater.

Roll call on Assembly Bill No. 623:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Assembly Bill No. 623 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 697.

Bill read third time.

Remarks by Assemblyman Fettic.

Roll call on Assembly Bill No. 697:

YEAS—33.

NAYS—Bennett, Braunlin, Krenzer, Schneider, Spitler—5.

Absent—Arberry, Sandoval, Williams—3.

Not voting—Harrington.

Assembly Bill No. 697 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 717.

Bill read third time.

Remarks by Assemblymen Carpenter and Freeman.

Roll call on Assembly Bill No. 717:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Assembly Bill No. 717 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Humke moved that Assembly Bill No. 722 be taken from General File and re-referred to the Committee on Judiciary.

Motion lost on a division of the house.

GENERAL FILE AND THIRD READING

Assembly Bill No. 722.

Bill read third time.

Remarks by Assemblymen Schneider, Manendo, Ernaut, Humke and Brower.

Potential conflict of interest declared by Assemblyman Brower.

Roll call on Assembly Bill No. 722:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Assembly Bill No. 722 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended and that Assembly Bills Nos. 144, 499, 521, 548, 552, 585, 607, 623, 697, 717, 722; Senate Concurrent Resolution No. 38 be immediately transmitted to the Senate.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 363, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 632; Senate Bill No. 314, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Concurrent Resolution No. 20, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 651, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 308, 518, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 363, 632, 651; Senate Bills Nos. 190, 308, 314, 458, 473, 503, 504, 518, 545, 553 be placed on the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Elections and Procedures:

Assembly Bill No. 729—An Act relating to the legislature; repealing prospectively certain interim legislative committees; and providing other matters properly relating thereto.

Assemblyman Close moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 157.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 157:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Senate Bill No. 157 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 161.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Senate Bill No. 161:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Senate Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 193.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Senate Bill No. 193:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Senate Bill No. 193 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 422.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Senate Bill No. 422:

YEAS—36.

NAYS—Bennett, Buckley, Goldwater—3.

Absent—Arberry, Sandoval, Williams—3.

Senate Bill No. 422 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 456.

Bill read third time.

Remarks by Assemblymen Bache and Steel.

Roll call on Senate Bill No. 456:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Senate Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 496.

Bill read third time.

Remarks by Assemblyman Monaghan.

Roll call on Senate Bill No. 496:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Senate Bill No. 496 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 255.

Bill read third time.

Remarks by Assemblyman Harrington.

Roll call on Senate Bill No. 255:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Senate Bill No. 255 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 366.

Bill read third time.

Remarks by Assemblymen Brower, Freeman and Humke.

Roll call on Senate Bill No. 366:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Senate Bill No. 366 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 431.

Bill read third time.

Remarks by Assemblyman Harrington.

Roll call on Senate Bill No. 431:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Senate Bill No. 431 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 488.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 488:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Senate Bill No. 488 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 562.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Senate Bill No. 562:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

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

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 21.

Resolution read third time.

Remarks by Assemblyman Ernaut.

Roll call on Senate Joint Resolution No. 21:

YEAS—35.

NAYS—Bennett, Freeman, Manendo, Ohrenschall—4.

Absent—Arberry, Sandoval, Williams—3.

Senate Joint Resolution No. 21 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 144.

Bill read third time.

The following amendment was proposed by Assemblyman Stroth:

Amendment No. 1209.

Amend sec. 4, page 2, by deleting lines 34 through 37 and inserting: "exemption from the sales and use tax for items sold by a nonprofit organization created for religious, charitable or educational purposes based on standards adopted by the legislature?".

Assemblyman Stroth moved the adoption of the amendment.

Remarks by Assemblyman Stroth.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 377.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 377:

YEAS—39.

NAYS—None.

Absent—Arberry, Sandoval, Williams—3.

Senate Bill No. 377 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Senate Bill No. 128, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DENNIS NOLAN, *Chairman*

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

Assembly in recess at 12:31 p.m.

ASSEMBLY IN SESSION

At 1:09 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 458 be taken from its position on the Second Reading File and placed at the top of the Second Reading File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 133, 322, 340, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Bill No. 446, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JACK D. CLOSE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 23, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 192 and requests a conference, and appointed Senators Augustine, Shaffer and Lowden as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 185 and requests a second conference, and appointed Senators James, Porter and Titus as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Assembly Bill No. 185.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 18, 31, 121, 198, 217, 266, 349, 455, 479, 489.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 252, 329.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 278.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rhoads, O'Donnell and Mathews as a first Committee on Conference concerning Senate Bill No. 539.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Health and Human Services:

Assembly Bill No. 730—An Act relating to crimes; requiring supervision by the division of parole and probation of the department of motor vehicles and public safety for persons placed in elective treatment programs for alcoholics and drug addicts convicted of crimes; and providing other matters properly relating thereto.

Assemblyman Freeman moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Bache, Neighbors, Ernaut, Giunchigliani, Carpenter, de Braga, Humke, Ohrenschall, Goldwater, Manendo, Price, Arberry, Spitler, Lambert, Braunlin, Segerblom, Harrington, Anderson, Buckley, Sandoval, Williams, Krenzer, Tiffany, Perkins, Evans and Chowning:

Assembly Concurrent Resolution No. 48—Directing the Legislative Commission to conduct an interim study of the effects of the reorganization of the executive department of state government.

Assemblyman Bache moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 458.

Bill read second time.

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

Amendment No. 1189.

Amend the bill as a whole by deleting sections 2 through 4 and inserting: "Secs. 2-4. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 4.5, following sec. 4, to read as follows:

"Sec. 4.5. *If responsibility for an undisputed claim for compensation by an injured employee is contested, the insurer to which the employee first submits the claim is responsible for providing the required compensation to the employee pending final resolution of the issue regarding which insurer is responsible for the claim. If the insurer that initially provides compensation to the injured employee is not held responsible for payment of the claim, the insurer that is held responsible shall reimburse that insurer within 30 days after final resolution of the issue of responsibility for payment of the claim.*".

Amend sec. 8, page 2, line 21, by deleting "*necessary*".

Amend sec. 8, page 2, line 29, by deleting "*directly*".

Amend sec. 8, page 2, by deleting lines 34 through 36 and inserting:

"*(c) Publication of statistics if classified so as to prevent:*

(1) Identification of a particular employer or document; or

(2) Disclosure of the financial or business condition of a particular employer or insurer.

(d) Disclosure in confidence, without further distribution or disclosure to any other person, to:".

Amend sec. 8, page 2, line 43, by deleting "*or*".

Amend sec. 8, page 2, by deleting line 46 and inserting: "*ment compensation; or*

(5) Any federal, state or local law enforcement agency.

(e) Disclosure in confidence by a person who receives information pursuant to paragraph (d) to a person in furtherance of the administration or enforcement of the laws relating to workers' compensation or unemployment compensation.".

Amend sec. 8, page 3, line 3, by deleting: "*includes, without limitation:*" and inserting "*means:*".

Amend sec. 8, page 3, line 4, by deleting "*memoranda,*" and inserting "*records,*".

Amend sec. 8, page 3, by deleting line 9 and inserting: "*finances, earnings, revenue, trade secrets or the financial condition of any self-insured employer or association of*".

Amend the bill as a whole by deleting sections 9 through 14 and inserting:

"Secs. 9-14. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 18 through 22 and inserting:

"Secs. 18-22. (Deleted by amendment.)".

Amend sec. 24, page 6, between lines 5 and 6, by inserting:

"*5. A legal counsel that has been appointed by or has contracted with the division pursuant to NRS 232.660 shall serve as legal counsel of the board.*".

Amend sec. 27, page 6, between lines 34 and 35, by inserting:

"*5. A legal counsel that has been appointed by or has contracted with the division pursuant to NRS 232.660 shall serve as legal counsel of the board.*".

Amend sec. 32, page 9, line 12, by deleting "*For*" and inserting "*1. For*".

Amend sec. 32, page 9, between lines 18 and 19, by inserting:

"*2. If the Guides to the Evaluation of Permanent Impairment adopted by the division contain more than one method of determining the rating of an impairment, the administrator shall designate by regulation the method which must be used to rate an impairment pursuant to NRS 616.605.*".

Amend the bill as a whole by deleting sections 33 through 37 and inserting:

"Secs. 33-37. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 40 through 43 and inserting:

"Secs. 40-43. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 46 and inserting:

"Sec. 46. (Deleted by amendment.)".

Amend sec. 47, page 14, line 37, after "any" by inserting "*insurer,*".

Amend the bill as a whole by deleting sec. 48 and inserting:

"Sec. 48. (Deleted by amendment.)".

Amend sec. 49, page 16, by deleting lines 11 and 12 and inserting:

"616.2211 1. Except as otherwise provided in NRS 616.2212 , [to 616.2215, inclusive,] the manager may enter into a contract or contracts".

Amend the bill as a whole by adding a new section designated sec. 49.5, following sec. 49, to read as follows:

"Sec. 49.5. NRS 616.2212 is hereby amended to read as follows:

616.2212 The manager shall not enter into a contract with an organization for managed care unless [:

1. The provisions of the contract are approved by the commissioner;

2. The contract contains a provision authorizing the manager to cancel the contract, by written notice, if the manager determines that:

(a) The organization's plan for providing medical and health care services does not comply with the requirements of this section; or

(b) Services under the organization's plan are not being provided in accordance with the terms of the contract;

3. The] *the* organization's proposed plan for providing medical and health care services [:

(a) Will provide all medical and health care services that may be required for industrial injuries and occupational diseases that are compensable under this chapter and chapter 617 of NRS, in a manner that assures the availability and accessibility of adequate treatment to injured employees;

(b) Does not exclude from participation in the proposed plan any category of providers of health care who are required to be licensed or certified to practice in this state and willing to comply with the terms and conditions required by the organization to participate in the proposed plan;

(c) Gives injured employees an adequate choice of providers of health care who have contracted with the organization to participate in the proposed plan;

(d) Provides appropriate financial incentives to reduce costs of medical and health care services without affecting the quality of care provided;

(e) Includes procedures for auditing bills submitted by providers of health care;

(f) Includes procedures for obtaining approval for all major medical procedures before they are performed;

(g) Provides adequate procedures for assuring the quality of care provided, including peer review, utilization review and the resolution of disputes that:

(1) Prevent inappropriate or excessive treatment;

(2) Exclude providers of health care who do not comply with the standards of treatment adopted by the organization; and

(3) Provide for the resolution of complaints submitted to the organization pursuant to NRS 616.5395;

(h) Provides a program for returning injured workers to work as soon as possible; and

(i) Ensures] *ensures* that, if medical and health care services are to be provided by the organization , [:

(1) In a county whose population is 100,000 or more,] an injured employee residing or employed in [that] *a* county may choose the services of any provider of health care located in that county or an adjacent county if the employee's residence is not within a 20-mile radius of a provider of health care who has contracted with the organization to participate in the plan and provide the services required by the employee.

[(2) In a county whose population is less than 100,000, an injured employee residing or employed in that county may choose the services of any provider of health care located in that county or an adjacent county if such services are available.] If such services are not available, the injured employee may choose the services of any provider of health care located in the state. The fees charged by a provider of health care chosen by an injured employee pursuant to this [paragraph] *section* may not exceed the fees established in accordance with NRS 616.412 or the usual fee charged by that provider, whichever is less.".

Amend sec. 51, page 17, lines 26 and 27, by deleting "[616.2212.] *616.2211.*" and inserting: "*616.2211 and* 616.2212.".

Amend the bill as a whole by adding a new section designated sec. 51.5, following sec. 51, to read as follows:

"Sec. 51.5. NRS 616.2225 is hereby amended to read as follows:

616.2225 1. The system may execute an agreement for the provision of vocational rehabilitation services for injured employees with a private person who is qualified to provide such services or a public agency that provides such services. The selection of a private person or public agency to provide vocational rehabilitation services must be made from bids received in accordance with chapter 333 of NRS.

2. The manager shall develop criteria for the selection of a private person or public agency to provide vocational rehabilitation services. The criteria must include, without limitation:

(a) A bidder's previous record of successful rehabilitation of injured employees, including the average costs of the placement of those employees in other employment;

(b) A bidder's performance on previous contracts entered into with governmental agencies;

(c) The services provided by a bidder with regard to training injured employees for and placing them in other employment, and the average rates of pay for that employment; and

(d) The record of a bidder in placing injured employees in other employment.

A successful bidder must be selected based on these criteria.

3. The bidding and the records related to the bidding are subject to review by any member of the public upon request.

4. Except as otherwise provided in this subsection and subsection 5, the provisions of this section do not preclude the system from providing vocational rehabilitation services for injured employees if the manager proves to the satisfaction of the administrator that the system may provide such services at a cost which is lower than the cost of vocational rehabilitation services that are available from a private person or public agency. [In no event during any year may the system develop a majority of the plans for programs of vocational rehabilitation for injured employees insured by the system.]

5. The system shall consider its primary responsibility the accomplishment of the following components of vocational rehabilitation:

(a) Facilitating early intervention.

(b) Preparing job assessments and analyses.

(c) Developing and maintaining a list of jobs that may be suitable for injured employees pursuant to NRS 616.5174.

(d) Determining the eligibility of injured employees for vocational rehabilitation.

The system shall consider as secondary its responsibility to develop plans for programs of vocational rehabilitation.

6. If the system contracts with a private person or a public agency to provide vocational rehabilitation services, a certified vocational rehabilitation counselor employed by the system shall approve or disapprove each plan for a program of rehabilitation services developed by the private person or public agency pursuant to NRS 616.5173. At the request of a counselor, the manager may, upon good cause, extend the period for approval by 21 days. If the manager intends to grant such an extension, the manager shall notify the private person or public agency that is providing the vocational rehabilitation services of the extension on or before the 21st day after the plan was submitted. If the counselor does not grant an extension or approve or disapprove of the plan and notify the private person or public agency of his decision within 21 days after the plan was submitted to the system, the plan shall be deemed approved.

7. The provisions of this section do not preclude the system from providing vocational rehabilitation services for injured employees if the manager proves to the satisfaction of the administrator that the system may provide such services at a cost which is lower than the cost of vocational rehabilitation services that are available from a private person or public agency.

8. As used in this section, "public agency" means:

(a) Any agency of this state or the United States; and

(b) Any political subdivision of this state.".

Amend the bill as a whole by deleting sections 55 and 56 and inserting:

"Secs. 55 and 56. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 58 through 60 and inserting:

"Secs. 58-60. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 62 through 67 and inserting:

"Secs. 62-67. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 69 through 72 and inserting:

"Secs. 69-72. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 74 and 75 and inserting:

"Secs. 74 and 75. (Deleted by amendment.)".

Amend sec. 76, page 29, by deleting line 30 and inserting: "care pursuant to NRS 616.2211 [, 616.2212 and 616.2216,] *and 616.2212,* the system shall".

Amend the bill as a whole by deleting sections 78 through 80 and inserting:

"Secs. 78-80. (Deleted by amendment.)".

Amend the bill as a whole by deleting sec. 86 and inserting:

"Sec. 86. (Deleted by amendment.)".

Amend sec. 88, page 37, line 4, after "unless" by inserting: "*information from a physician or chiropractor establishes to the satisfaction of the insurer that*".

Amend the bill as a whole by adding a new section designated sec. 88.5, following sec. 88, to read as follows:

"Sec. 88.5. NRS 616.5173 is hereby amended to read as follows:

616.5173 1. A vocational rehabilitation counselor shall develop a plan for a program of vocational rehabilitation for each injured employee who is eligible for vocational rehabilitation services pursuant to NRS 616.5178. The counselor shall work with the insurer and the injured employee to develop a program that is compatible with the injured employee's age, sex and physical condition.

2. If the counselor determined in the written assessment developed pursuant to NRS 616.5172 that the injured employee has existing marketable skills, the plan must consist of job placement assistance only. When practicable, the goal of job placement assistance must be to aid the employee in finding a position which pays a gross wage that is equal to or greater than 80 percent of the gross wage that he was earning at the time of his injury. An injured employee must not receive job placement assistance for more than 90 days after the date on which he was notified that he is eligible only for job placement assistance because:

(a) He was physically capable of returning to work; or

(b) It was determined that he had existing marketable skills.

3. If the counselor determined in the written assessment developed pursuant to NRS 616.5172 that the injured employee does not have existing marketable skills, the plan must consist of a program which trains or educates the injured employee and provides job placement assistance. Except as otherwise provided in NRS 616.51735, such a program must not exceed:

(a) If the injured employee has incurred a permanent physical impairment of less than 6 percent, 6 months.

(b) If the injured employee has incurred a permanent physical impairment of 6 percent or more, but less than 11 percent, 9 months.

(c) If the injured employee has incurred a permanent physical impairment of 11 percent or more, 1 year.

The percentage of the injured employee's permanent physical impairment must be determined pursuant to NRS 616.605.

4. A plan for a program of vocational rehabilitation must comply with the requirements set forth in NRS 616.5177.

5. A program of vocational rehabilitation must not commence before the treating physician or chiropractor, or an examining physician or chiropractor determines that the injured employee is capable of safely participating in the program.

6. If, based upon the opinion of a treating or an examining physician or chiropractor, the counselor determines that an injured employee is not eligible for vocational rehabilitation services, the counselor shall provide a copy of the opinion to the injured employee, the injured employee's employer and the insurer.

7. A plan for a program of vocational rehabilitation must be signed by a certified vocational rehabilitation counselor.

8. *If an initial program of vocational rehabilitation pursuant to this section is unsuccessful, an injured employee may submit a written request for the development of a second program of vocational rehabilitation which relates to the same injury. An insurer shall authorize a second program for an injured employee upon good cause shown.*

9. If a second program of vocational rehabilitation pursuant to subsection 8 is unsuccessful, an injured employee may submit a written request for the development of a third program of vocational rehabilitation which relates to the same injury. The insurer, with the approval of the employer who was the injured employee's employer at the time of his injury, may authorize a third program for the injured employee. If such an employer has terminated operations, his approval is not required for authorization of a third program. An insurer's determination to authorize or deny a third program of vocational rehabilitation may not be appealed.

10. The division shall adopt regulations to carry out the provisions of this section. The regulations must specify the contents of a plan for a program of vocational rehabilitation.''.

Amend sec. 94, page 41, line 3, by deleting the brackets.

Amend sec. 94, page 41, by deleting line 4 and inserting: ''pursuant to NRS 616.607 [.] *and any regulations adopted pursuant thereto.* If the final resolu-''.

Amend the bill as a whole by deleting sections 95 and 96 and inserting:

''Secs. 95 and 96. (Deleted by amendment.)''.

Amend sec. 97, page 43, line 1, by deleting ''intoxication, whether'' and inserting: ''intoxication . [, whether''.

Amend sec. 97, page 43, line 2, by inserting a closed bracket after ''substance.''.

Amend the bill as a whole by deleting sec. 98 and inserting:

''Sec. 98. (Deleted by amendment.)''.

Amend sec. 100, page 45, by deleting line 29 and inserting:

''(c) Be signed by the *treating* physician or chiropractor [.] *authorized pursuant to NRS 616.2211 or 616.297.*''.

Amend sec. 100, page 45, by deleting lines 37 and 38 and inserting: ''to work and the salary he will be paid.''.

Amend sec. 101, page 46, line 20, by deleting "[A" and inserting: "[A] *Unless the regulations adopted pursuant to section 32 of this act provide otherwise, a*".

Amend sec. 101, page 46, line 22, by deleting the bracket.

Amend sec. 101, page 46, by deleting lines 38 through 40 and inserting: "sustained on or after June 18, 1993.".

Amend sec. 102, pages 47 and 48, by deleting lines 15 through 48 on page 47 and lines 1 through 27 on page 48, and inserting:

"616.607 1. Except as otherwise provided in NRS 616.5435, an award for a permanent partial disability may be paid in a lump sum under the following conditions:

(a) A claimant injured on or after July 1, 1973, and before July 1, 1981, who incurs a disability that does not exceed 12 percent may elect to receive his compensation in a lump sum. A claimant injured on or after July 1, 1981, *and before July 1, 1995,* who incurs a disability that does not exceed 25 percent may elect to receive his compensation in a lump sum.

(b) The spouse, or in the absence of a spouse, any dependent child of a deceased claimant injured on or after July 1, 1973, who is not entitled to compensation in accordance with NRS 616.615, is entitled to a lump sum equal to the present value of the deceased claimant's undisbursed award for a permanent partial disability.

(c) Any claimant injured on or after July 1, 1981, *and before July 1, 1995,* who incurs a disability that exceeds 25 percent may elect to receive his compensation in a lump sum equal to the present value of an award for a disability of 25 percent. If the claimant elects to receive compensation pursuant to this paragraph, the insurer shall pay in installments to the claimant that portion of the claimant's disability in excess of 25 percent.

(d) Any claimant injured on or after July 1, 1995, may elect to receive his compensation in a lump sum in accordance with regulations adopted by the administrator and approved by the governor. The administrator shall adopt regulations for determining the eligibility of such a claimant to receive all or any portion of his compensation in a lump sum. Such regulations may include the manner in which an award for a permanent partial disability may be paid to such a claimant in installments. Notwithstanding the provisions of NRS 233B.070, any regulation adopted pursuant to this paragraph does not become effective unless it is first approved by the governor.

2. If the claimant elects to receive his payment for a permanent partial disability in a lump sum [,] *pursuant to subsection 1,* all of his benefits for compensation terminate. His acceptance of that payment constitutes a final settlement of all factual and legal issues in the case. By so accepting he waives all of his rights regarding the claim, including the right to appeal from the closure of the case or the percentage of his disability, except:

(a) His right to reopen his claim according to the provisions of NRS 616.545; and

(b) Any counseling, training or other rehabilitative services provided by the insurer.

The claimant must be advised in writing of the provisions of this subsection

when he demands his payment in a lump sum, and has 20 days after the mailing or personal delivery of this notice within which to retract or reaffirm his demand, before payment may be made and his election becomes final.

3. Any lump sum payment which has been paid on a claim incurred on or after July 1, 1973, must be supplemented if necessary to conform to the provisions of this section.

4. Except as otherwise provided in this subsection, the total lump sum payment for disablement must not be less than one-half the product of the average monthly wage multiplied by the percentage of disability. If the claimant received compensation in installment payments for his permanent partial disability before electing to receive his payment for that disability in a lump sum, the lump sum payment must be calculated for the remaining payment of compensation.

5. The lump sum payable must be equal to the present value of the compensation awarded, less any advance payment or lump sum previously paid. The present value must be calculated using monthly payments in the amounts prescribed in subsection 6 of NRS 616.605 and actuarial annuity tables adopted by the division. The tables must be reviewed annually by a consulting actuary.

6. If a claimant would receive more money by electing to receive compensation in a lump sum than he would if he receives installment payments, he may elect to receive the lump sum payment.".

Amend the bill as a whole by adding a new section designated sec. 103.5, following sec. 103, to read as follows:

"Sec. 103.5. NRS 616.617 is hereby amended to read as follows:

616.617 1. If an injured employee is eligible for vocational rehabilitation services pursuant to NRS 616.5178, the insurer and the injured employee may , *at any time during the employee's eligibility for such services,* execute a written agreement providing for the payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services. *An insurer's refusal to execute such an agreement may not be appealed.*

2. If the insurer and the injured employee execute an agreement pursuant to subsection 1, the acceptance of the payment of compensation in a lump sum by the injured employee extinguishes his right to receive vocational rehabilitation services under his claim. Except as otherwise required by federal law, an injured employee shall not receive vocational rehabilitation services from any state agency after he accepts payment of compensation in a lump sum pursuant to this section.

3. Before executing an agreement pursuant to subsection 1, an insurer shall:

(a) Order an assessment of and counseling concerning the vocational skills of the injured employee, unless the provisions of NRS 616.5176 are applicable;

(b) Consult with the employer of the injured employee; *and*

(c) Provide a written notice to the injured employee that contains the following statements:

(1) That the injured employee is urged to seek assistance and advice from the Nevada attorney for injured workers or to consult with a private attorney before signing the agreement.

(2) That the injured employee may rescind the agreement within 20 days after he signs it.

(3) That the 20-day period pursuant to subparagraph (2) may not be waived.

(4) That acceptance by the injured employee of payment of compensation in a lump sum in lieu of the provision of vocational rehabilitation services extinguishes his right to receive such services.

4. No payment of compensation in a lump sum may be made pursuant to this section until the 20-day period provided for the rescission of the agreement has expired.".

Amend the bill as a whole by deleting sec. 104 and inserting:

"Sec. 104. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 106.5, following sec. 106, to read as follows:

"Sec. 106.5. NRS 616.647 is hereby amended to read as follows:

616.647 1. Except as otherwise provided in subsection 2, if the administrator determines that an insurer, organization for managed care, health care provider, third-party administrator or employer has:

(a) Induced a claimant for compensation to fail to report an accidental injury or occupational disease;

(b) Persuaded a claimant to settle for an amount which is less than reasonable;

(c) Persuaded a claimant to settle for an amount which is less than reasonable while a hearing or an appeal is pending;

(d) Persuaded a claimant to accept less than the compensation found to be due him by a hearing officer or appeals officer;

(e) Refused to pay or unreasonably delayed payment to a claimant of compensation found to be due him by a hearing officer or appeals officer;

(f) Made it necessary for a claimant to resort to proceedings against the employer or insurer for compensation found to be due him by a hearing officer or appeals officer;

(g) Failed to comply with the division's regulations covering the payment of an assessment relating to the funding of costs of administration of this chapter and chapter 617 of NRS; [or]

(h) *Failed to provide or unreasonably delayed payment to an injured employee or reimbursement to an insurer pursuant to section 4.5 of this act; or*

(i) Intentionally or repeatedly failed to comply with any provision of, or regulation adopted pursuant to, this chapter or chapter 617 of NRS,

the administrator shall impose an administrative fine of not more than $250 for each initial violation which was not intentional, or a fine of not more than $1,000 for each intentional or repeated violation.

2. In addition to any fine imposed pursuant to subsection 1, the administrator may assess against an insurer who violates any regulation concerning

the reporting of claims expenditures used to calculate an assessment an administrative penalty of up to twice the amount of any underpaid assessment.

3. If the administrator determines that a person has violated any of the provisions of NRS 616.630, 616.635, 616.640 or 616.675 to 616.700, inclusive, the administrator shall impose an administrative fine of not more than $10,000.

4. Two or more fines of $1,000 imposed in 1 year for acts enumerated in subsection 1 must be considered by the commissioner as evidence for the withdrawal of a certificate of self-insurance to act as a self-insured employer or an association of self-insured public or private employers.

5. The commissioner may withdraw the certification of a self-insured employer or an association of self-insured public or private employers if, after a hearing, it is shown that the self-insured employer or association violated any provision of subsection 1.".

Amend the bill as a whole by deleting sections 107 through 114 and inserting:

"Secs. 107-114. (Deleted by amendment.)".

Amend sec. 116, page 53, line 36, after "unless" by inserting: "*information from a physician or chiropractor establishes to the satisfaction of the insurer that*".

Amend the bill as a whole by deleting sections 118 through 129 and inserting:

"Secs. 118-129. (Deleted by amendment.)".

Amend the bill as a whole by adding a new section designated sec. 129.5, following sec. 129, to read as follows:

"Sec. 129.5. Chapter 679B of NRS is hereby amended by adding thereto a new section to read as follows:

The commissioner shall review the balance of the state insurance fund at least once every 3 months to determine whether the balance is sufficient to ensure the solvency of the state industrial insurance system. Upon determining that the balance is sufficient for this purpose, the commissioner shall, in accordance with subsection 6 of NRS 680B.060, notify the state treasurer of his determination.".

Amend the bill as a whole by adding new sections designated sections 130.2, 130.4 and 130.6, following sec. 130, to read as follows:

"Sec. 130.2. NRS 680B.027 is hereby amended to read as follows:

680B.027 1. Except as otherwise provided in NRS 680B.033 and 680B.050, for the privilege of transacting business in this state, each insurer shall pay to the department of taxation a tax upon his net direct premiums and net direct considerations written at the rate of 3.5 percent.

2. The tax must be paid in the manner required by NRS 680B.030 and section 2 of [this act.] *Senate Bill No. 271 of this session.*

3. The commissioner or the executive director of the department of taxation may require at any time verified supplemental statements with reference to any matter pertinent to the proper assessment of the tax.

4. For the purposes of this section, "insurer" includes the state industrial insurance system.

Sec. 130.4. NRS 680B.050 is hereby amended to read as follows:

680B.050 1. Except as otherwise provided in this section, a domestic or foreign insurer which owns and substantially occupies and uses any building in this state as its home office or as a regional home office, as defined in subsection 2, is entitled to the following credits against the tax otherwise imposed by NRS 680B.027:

(a) An amount equal to 50 percent of the aggregate amount of the tax as determined under NRS 680B.025 to 680B.039, inclusive, and section 2 of [this act;] *Senate Bill No. 271 of this session;* and

(b) An amount equal to the full amount of ad valorem taxes paid by the insurer during the calendar year next preceding the filing of the report required by NRS 680B.030, upon the home office or regional home office together with the land, as reasonably required for the convenient use of the office, upon which the home office or regional home office is situated.

These credits must not reduce the amount of tax payable to less than 20 percent of the tax otherwise payable by the insurer under NRS 680B.027.

2. For the purposes of this section a "regional home office" means an office of the insurer performing for an area covering two or more states, with a minimum of 25 employees on its office staff, the supervision, underwriting, issuing and servicing of the insurance business of the insurer.

3. The insurer shall on or before March 1 of each year furnish proof to the satisfaction of the executive director of the department of taxation, on forms furnished by or acceptable to the executive director, as to its entitlement to the tax reduction provided for in this section. A determination of the executive director of the department of taxation pursuant to this section is not binding upon the commissioner for the purposes of NRS 682A.240.

4. An insurer is not entitled to the credits provided in this section unless:

(a) The insurer [owned] *:*

(1) Owned the property upon which the reduction is based for the entire year for which the reduction is claimed; and

[(b) The insurer occupied]

(2) Occupied at least 70 percent of the usable space in the building to transact insurance or the insurer is a general or limited partner and occupies 100 percent of its ownership interest in the building.

(b) In the case of insurers that are authorized to provide industrial insurance in this state, the commissioner notifies the state treasurer that the balance in the state insurance fund is sufficient to ensure the solvency of the state industrial insurance system pursuant to section 129.5 of this act.

5. If two or more insurers under common ownership or management and control jointly own in equal interest, and jointly occupy and use such a home office or regional home office in this state for the conduct and administration of their respective insurance businesses as provided in this section, each of the insurers is entitled to the credits provided for by this section if otherwise qualified therefor under this section.

Sec. 130.6. NRS 680B.060 is hereby amended to read as follows:

680B.060 1. [The] *Except as otherwise provided in subsection 6, the* taxes imposed under NRS 680B.027 must be collected by the department of taxation and promptly deposited with the state treasurer for credit to the state general fund.

2. If the tax is not paid by the insurer on or before the date required for payment, the tax then becomes delinquent, and payment thereof may be enforced by court action instituted on behalf of the state by the attorney general. The attorney general may employ additional counsel in the city where the home office of the insurer is located, subject to approval of compensation for such services by the state board of examiners. The administrative and substantive enforcement provisions of chapters 360 and 372 of NRS apply to the enforcement of the taxes imposed under NRS 680B.027.

3. Upon the tax becoming delinquent the executive director of the department of taxation shall notify the commissioner, who shall suspend or revoke the insurer's certificate of authority pursuant to NRS 680A.190.

4. If a dispute arises between an insurer and the state as to the amount of tax, if any, payable, the insurer is entitled to pay under protest the tax in the amount assessed by the department of taxation, without waiving or otherwise affecting any right of the insurer to recover any amount determined, through appropriate legal action taken by the insurer against the department of taxation, to have been in excess of the amount of tax lawfully payable.

5. [All] *Except as otherwise provided in subsection 6, all* taxes, fees, licenses, fines and charges collected under this code, including the general premium tax provided for under NRS 680B.027 and as increased in any instances pursuant to NRS 680A.330, must be promptly deposited with the state treasurer for credit to the state general fund.

6. The taxes collected pursuant to NRS 680B.027 from insurers that are writing industrial insurance in this state, including the state industrial insurance system, must be promptly deposited with the state treasurer for credit to the state insurance fund until the commissioner notifies the state treasurer that the balance in the state insurance fund is sufficient to ensure the solvency of the state industrial insurance system. Upon receipt of such a notice, the state treasurer shall discontinue depositing the taxes in the state insurance fund and shall deposit the taxes collected from these insurers for credit to the state general fund.".

Amend the bill as a whole by deleting sections 131 and 132 and inserting:

"Secs. 131 and 132. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 134 and 135 and inserting:

"Secs. 134 and 135. (Deleted by amendment.)".

Amend the bill as a whole by deleting sections 138 through 145 and inserting:

"Secs. 138-145. (Deleted by amendment.)".

Amend sec. 146, page 69, line 38, by deleting the open bracket.

Amend sec. 146, page 69, line 39, by deleting the closed bracket.

Amend sec. 146, page 69, by deleting lines 40 and 41 and inserting:

"165.5 of this act become effective on July 1, 1997.".

Amend sec. 147, page 69, by deleting lines 42 through 48 and inserting:

"Sec. 147. 1. NRS 616.2213, 616.2214, 616.2215, 616.2216, 616.2217, 616.3445, 616.383, 616.387, 616.440, 616.450, 616.455, 616.460, 616.470, 616.475, 616.517, 616.518, 617.295 and 645.553 are hereby repealed.".

Amend the bill as a whole by renumbering sec. 154 as sec. 155 and adding a new section designated sec. 154, following sec. 153, to read as follows:

"Sec. 154. 1. Notwithstanding the amendatory provisions of NRS 616.625, any injured employee insured by the system who is receiving benefits for an injury which occurred before June 18, 1993, shall participate in the plan for managed care established by the system in accordance with the regulations adopted for this purpose by the manager of the system.

2. If the manager of the system enters into a contract with a managed care organization or renews such a contract on or after July 1, 1995, the contract must require the managed care organization to provide, in accordance with standards established for this purpose by the manager, services to injured employees insured by the system who have not otherwise been required to participate in a plan for managed care. The contract may not require such an injured employee to change from his treating physician or chiropractor to another physician or chiropractor in order to receive compensation or benefits, unless:

(a) There is no managed care organization available in that area; or

(b) If there is a managed care organization available in that area, the treating physician or chiropractor refuses to accept the terms of the plan for managed care.

3. The provisions of this section do not affect the amount of compensation and benefits to which such an injured employee is otherwise entitled.".

Amend sec. 154, page 70, by deleting lines 36 through 48 and inserting:

"2. Sections 1, 4.5, 5, 6, 8, 15, 16, 17, 23 to 32, inclusive, 38, 39, 44, 47, 49 to 54, inclusive, 57, 61, 68, 73, 76, 81 to 85, inclusive, 87 to 94, inclusive, 97, 99 to 103.5, inclusive, 105, 115, 116, 117, 130, 133, 136, 137, 146, subsection 1 of section 147 and sections 148 to 154, inclusive, of this act become effective on July 1, 1995.

3. Sections 45, 77, 106 and 106.5 of this act become effective at 12:01 a.m. on July 1, 1995.

4. Sections 7, 129.5, 130.2, 130.4, and 130.6 of this act become effective on July 1, 1999.".

Amend the bill as a whole by deleting the leadlines of NRS 616.034, 616.123, 616.1715, 616.2212, 616.2223, 616.2225, 616.223, 616.5171, 616.51715, 616.5172, 616.5173, 616.51735, 616.5174, 616.51745, 616.5175, 616.5176, 616.5177, 616.5178 and 616.617 from the leadlines of repealed sections.

Amend the bill as a whole by deleting the text of section 282.55 of chapter 265, Statutes of Nevada 1993, from the text of repealed sections.

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; limiting the liability of an insurer or third-party administrator who violates any provision concerning industrial insurance or occupational diseases; authorizing the manager to establish

a plan for classifying certain employers separately to determine the premiums of those employers; creating boards for the administration of the subsequent injury funds of self-insured employers and associations of self-insured public and private employers; revising the provisions relating to the confidentiality of certain records and files of the division; repealing the responsibility of a real estate broker to pay premiums for industrial insurance for a broker-salesman and salesman who is associated with him; providing that payments in a lump sum on or after July 1, 1995, are governed by regulations adopted by the administrator and approved by the governor; revising the provisions relating to organizations of managed care; providing penalties; and providing other matters properly relating thereto.".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblymen Nolan and Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 363.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 632.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1102.

Amend section 1, page 2, line 17, after "4." by inserting: "*In addition to the amounts set forth in subsection 3, a landlord who enforces a lien for unpaid rent may recover costs and attorney's fees in an amount not to exceed:*

(a) For preparation, service and filing of a notice of lien, including, but not limited to, a title search, $100;

(b) For preparation, service and filing of a notice of sale, including, but not limited to, preparation of any advertising related to the notice, $100; and

(c) For activities relating to a sale by auction and for preparation of an affidavit which verifies that the lien has been satisfied, $100.

A landlord may not recover costs and attorney's fees if the tenant cures the deficiency in payments of rent before the filing of a notice for sale.

5.".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 651.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1244.

Amend sec. 4, page 1, lines 12 and 13, by deleting: "*device:*

(a) Will" and inserting "*device will*".

Amend sec. 4, page 1, line 14, by deleting "*day;*" and inserting "*day.*".

Amend sec. 4, page 1, by deleting lines 15 through 18.

Amend sec. 4, page 1, line 19, after "*Record*" by inserting: "*on the statement for the polling place required pursuant to section 5 of this act*".

Amend sec. 5, pages 2 and 3, by deleting lines 1 through 48 on page 2 and lines 1 through 4 on page 3, and inserting:

"*(a) Prepare and sign a statement for the polling place. The statement must include:*

(1) The title of the election;

(2) The number of the precinct or voting district;

(3) The number which identifies the mechanical recording device and the storage device required pursuant to section 30 of this act;

(4) The number of ballots voted on the mechanical recording device since it was manufactured;

(5) The number of ballots voted on the mechanical recording device for that day;

(6) The number of signatures in the roster for early voting for that day; and

(7) The number of voting receipts retained pursuant to NRS 293.3585 for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the secretary of state pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting receipts retained pursuant to NRS 293.3585;

(c) The voting rosters used for early voting;

(d) The storage device required pursuant to section 30 of this act from each mechanical recording device used during the period for early voting; and

(e) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Sort the items by precinct or voting district;

(b) Count the number of ballots voted by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place.".

Amend sec. 6, page 3, line 5, by deleting "*1.*".

Amend sec. 6, page 3, line 6, by deleting "*(a)*" and inserting "*1.*".

Amend sec. 6, page 3, by deleting lines 10 through 25 and inserting:

"2. *Deliver to the central counting place:*

(a) The items sorted and counted pursuant to subsection 3 of section 5 of this act;

(b) The records printed on paper provided pursuant to subsection 1; and

(c) The storage device required pursuant to section 30 of this act from each mechanical recording device used during the period for early voting.".

Amend sec. 14, page 5, by deleting line 19 and inserting: "before the election, Sundays [excepted,] *and holidays excepted, unless the county clerk includes a Sunday or holiday within the period for early voting by personal appearance pursuant to NRS 293.3568,* each county clerk shall provide a".

Amend the bill as a whole by renumbering sections 16 and 17 as sections 18 and 19 and adding new sections designated sections 16 and 17, following sec. 15, to read as follows:

"Sec. 16. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins on the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays *and holidays* excepted.

2. *The county clerk may:*

(a) Include any Sunday or holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until [8 p.m.] *6 p.m. or until 8 p.m. if the county clerk so requires.*

(b) On any Saturday that falls within the period for early voting, from 10 a.m. until 6 p.m.

(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.

Sec. 17. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voting.

2. The provisions of subsection [2] *3* of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.".

Amend sec. 16, page 6, line 3, after "precinct" by inserting: "*or voting district*".

Amend sec. 16, page 6, by deleting lines 11 and 12 and inserting:

"(a) [Mark] *Ensure that* the voter's precinct [on the bottom left-hand side of the card] *or voting district* and the form of ballot [on the bottom right-hand side of] *are indicated on* the card;".

Amend sec. 16, page 6, by deleting line 19 and inserting:

"*(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on each part of the*".

Amend the bill as a whole by renumbering sections 18 through 39 as sections 21 through 42 and adding a new section designated sec. 20, following sec. 17, to read as follows:

"Sec. 20. NRS 293.3594 is hereby amended to read as follows:

293.3594 1. A plan for the security of [unvoted] ballots for early voting must be submitted to the secretary of state for approval no later than 90 days before the election at which early voting is to be conducted.

2. At the close of early voting each day, the deputy clerk for early voting shall secure each voting machine used for early voting in a manner prescribed by the secretary of state so that its unauthorized operation is prevented.

3. All materials for early voting must be delivered to the county clerk's office at the close of voting on the last day for voting at the polling place for early voting.".

Amend sec. 18, page 7, line 18, by deleting "precinct;" and inserting: "precinct [;] *or voting district;*".

Amend sec. 18, page 7, line 19, by deleting "precinct;" and inserting: "precinct [;] *or voting district;*".

Amend sec. 19, page 7, by deleting lines 26 through 28 and inserting:

"293.3606 1. *After 8 a.m. on election day, the appropriate board shall count in public the returns for early voting.*

2. The returns for early voting must not be reported until after the polls have closed on election day.

3. The returns for early voting [must] *may* be reported separately from the".

Amend sec. 19, page 7, line 31, by deleting "*3.*" and inserting "*4.*".

Amend sec. 19, page 7, between lines 32 and 33, by inserting:

"*5. Any person who disseminates to the public information relating to the count of returns for early voting before the polls close is guilty of a gross misdemeanor.*".

Amend sec. 21, page 8, line 41, after "rejecting it." by inserting: "*Each election board officer shall sign the envelope.*".

Amend sec. 23, page 9, line 20, by deleting "*28*" and inserting "*31*".

Amend sec. 26, page 10, by deleting line 23 and inserting: "provisions set forth as sections 30, 31 and 32 of this act.".

Amend sec. 27, page 10, line 27, by deleting "*cartridge*" and inserting "*storage device*".

Amend sec. 27, page 10, line 33, by deleting "*cartridge*" and inserting "*storage device*".

Amend sec. 28, page 10, by deleting line 42 and inserting: "*(a) of subsection 4 of section 30 of this act not later than 10 days after the*".

Amend sec. 29, page 10, lines 47 and 48, by deleting: "*election:*

1. Ensure" and inserting "*election, ensure*".

Amend sec. 29, page 11, line 1, by deleting "*(a)*" and inserting "*1.*".

Amend sec. 29, page 11, by deleting lines 3 and 4.

Amend sec. 29, page 11, line 5, by deleting "*Record*" and inserting "*Will register*".

Amend sec. 36, page 13, line 17, by deleting "*cartridge*" and inserting "*storage device*".

Amend sec. 36, page 13, line 18, by deleting "*27*" and inserting "*30*".

Amend sec. 36, page 13, line 24, by deleting "*cartridges*" and inserting "*storage devices*".

Amend sec. 37, page 13, line 31, by deleting "*cartridges*" and inserting "*storage devices*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 190.

Bill read second time and ordered to third reading.

Senate Bill No. 308.

Bill read second time and ordered to third reading.

Senate Bill No. 314.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1045.

Amend sec. 11, page 5, between lines 18 and 19, by inserting:

"4. In a case in which the death penalty is not sought, the jury or the trial judge shall determine whether the defendant should be sentenced to life with the possibility of parole or life without the possibility of parole.".

Amend sec. 14, page 6, by deleting lines 5 through 7 and inserting: "*treatment. The treatment must be provided by the department of prisons.*".

Amend sec. 42, page 24, line 47, after "as" by inserting "otherwise".

Amend sec. 42, page 25, by deleting lines 8 and 9 and inserting: "be punished:

(a) By imprisonment in jail for not less than 30 days nor more than 6 months; or

(b) Sentenced to a term of not less than 60 days in residential confinement nor more than 6 months, and by a fine of not less than $500 nor more than $1,000. No person".

Amend sec. 42, page 25, line 18, by deleting "confinement" and inserting "imprisonment".

Amend sec. 42, page 25, line 22, by deleting "confinement" and inserting "imprisonment".

Amend sec. 42, page 25, line 24, by deleting "confined" and inserting "imprisoned".

Amend sec. 44, page 27, by deleting lines 37 through 44 and inserting:

"484.3795 1. Any person who:

(a) Is under the influence of intoxicating liquor;

(b) Has 0.10 percent or more by weight of alcohol in his blood;

(c) Is found by measurement within 2 hours after driving or being in actual physical control of a vehicle to have 0.10 percent or more by weight of alcohol in his blood;

(d) Is under the influence of a controlled substance, or under the combined influence of intoxicating liquor and a controlled substance; or

(e) Inhales, ingests, applies or otherwise uses any chemical, poison or organic solvent, or any compound or combination of any of these, to a degree which renders him incapable of safely driving or exercising actual physical control of a vehicle,

and does any act or neglects any duty imposed by law while driving".

Amend sec. 44, page 28, line 9, by deleting "3," and inserting "4,".

Amend sec. 44, page 28, line 12, after "3." by inserting: "If consumption is proven by a preponderance of the evidence, it is an affirmative defense under paragraph (c) of subsection 1 that the defendant consumed a sufficient quantity of alcohol after driving or being in actual physical control of the vehicle, and before his blood was tested, to cause the alcohol in his blood to equal or exceed 0.10 percent. A defendant who intends to offer this defense at a trial or preliminary hearing must, not less than 14 days before the trial or hearing or at such other time as the court may direct, file and serve on the prosecuting attorney a written notice of that intent.

4.".

Amend sec. 44, page 28, line 21, by deleting "4." and inserting "5.".

Amend the bill as a whole by adding a new section designated sec. 60, following sec. 59, to read as follows:

"Sec. 60. Section 42 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 473.

Bill read second time and ordered to third reading.

Senate Bill No. 503.

Bill read second time and ordered to third reading.

Senate Bill No. 504.

Bill read second time and ordered to third reading.

Senate Bill No. 518.

Bill read second time and ordered to third reading.

Senate Bill No. 545.

Bill read second time and ordered to third reading.

Senate Bill No. 553.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Senate Concurrent Resolution No. 20 be placed on the Resolution File.

Motion carried.

Senate Concurrent Resolution No. 20.

Resolution read.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1180.

Amend the resolution, page 1, line 11, by deleting "*lobbyists*" and inserting: "*lobbyists, legislative interns*".

Amend the resolution, page 1, line 12, by deleting "*lobbyist*" and inserting: "*lobbyist, legislative intern*".

Amend the resolution, page 2, line 17, by deleting "*member*" and inserting: "*member, legislative intern*".

Amend the resolution, page 2, line 19, by deleting "*member*" and inserting: "*member, legislative intern*".

Amend the resolution, page 2, line 27, by deleting "*member*" and inserting: "*member, legislative intern*".

Amend the resolution, page 3, line 2, by deleting "*lobbyist*" and inserting: "*lobbyist, legislative intern*".

Amend the resolution, page 3, line 5, by deleting "*lobbyist*" and inserting: "*lobbyist, legislative intern*".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted and engrossed.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Hettrick, Buckley and Brower as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 192.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 367.

The following Senate amendment was read:

Amendment No. 920.

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

"Sec. 2. NRS 318.170 is hereby amended to read as follows:

318.170 1. The board may, in connection with a district with basic powers relating to storm drainage facilities, sanitary sewer facilities, refuse collection and disposal facilities, and water facilities, or any combination of such facilities:

(a) Consult with the health division of the department of human resources about any system or proposed system of drainage or sewage or garbage and

other refuse collection and disposal as to the best method of disposing of the district's drainage or sewage or garbage and other refuse with reference to the existing and future needs of other cities, towns, districts or other persons which may be affected, and submit to the health division for its advice and approval the district's proposed system of drainage or sewage or garbage and other refuse disposal and collection, including , without limitation , both liquid wastes and solid wastes.

(b) Except as limited by the provisions of paragraph (c), compel all owners of inhabited property in the district to use the district's system for the collection and disposal of sewage, garbage and other refuse, either as to liquid wastes, or solid wastes, or both liquid wastes and solid wastes, by connection with the district's sewer system or otherwise, except for industrial property for which arrangements have been made with local health authorities for the disposal of wastes.

(c) Cause a connection by an owner of inhabited property to such a system if a service line is brought by the district to a point within 400 feet of his [dwelling place,] *property line,* and upon a failure of the owner so to connect within 60 days after written mailed notice by the board, *unless good cause is shown for the owner's failure,* cause:

(1) The connection to be made by a person other than an owner; and

(2) A lien to be filed against the property for expense incurred in making the connection.

(d) Make and enforce all necessary regulations for the removal of sewage, garbage or other refuse, and for the proper use of water within the district.

(e) Make all other sanitary regulations not in conflict with the constitution or laws of this state, and provide that any person who violates these regulations or ordinances shall be punished by a fine not to exceed $100 or by imprisonment not to exceed 1 month, or by both fine and imprisonment.

(f) Provide that any industrial user who violates a federally mandated standard shall be punished by a fine not to exceed $1,000 per day for each day the violation continues.

2. A district shall not proceed to acquire or improve any system of water supply, drainage or sewage disposal or garbage and other refuse collection and disposal without first obtaining the approval of the county board of health.

3. As used in this section:

(a) "Drainage" means rainfall, surface and subsoil water.

(b) "Sewage" means domestic and industrial filth and waste.".

Assemblyman Freeman moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 367.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Marvel moved that the Assembly do not recede from its action on Senate Bill No. 278, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Marvel.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Arberry, Marvel and Fettic as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 278.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 35.

The following Senate amendment was read:

Amendment No. 1032.

Amend sec. 11, page 5, by deleting lines 7 through 10 and inserting: "local governments as defined in NRS 354.474, conservation districts, irrigation districts and the University and Community College System of Nevada.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 35.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 10.

The following Senate amendment was read:

Amendment No. 954.

Amend section 1, page 1, by deleting lines 5 through 21 and inserting: "[1 mile of any surface intake, intakes, water boxes or surface reservoirs used for gathering, storing and conducting water, when such lands are situated within the watershed of any stream, streams, springs, ponds, lakes or reservoirs, waters from which, when so gathered and stored, are used for municipal, drinking or domestic purposes by the residents and inhabitants of any city or town in the State of Nevada.

2. The provisions of this section shall apply only to waters owned exclusively by cities or municipalities within this state.

3.] *an area that has been identified by the board of county commissioners in the county in which the area is situated as unsuitable for such uses in order to protect any surface intake, intakes, water boxes or surface reservoirs into which water is diverted for use for municipal, drinking or domestic purposes in the state. A determination by the board of county commissioners that an area is unsuitable must be based upon scientific evidence and must be adopted by ordinance after consultation with affected persons and state*

agencies. The ordinance must describe the area that is determined to be unsuitable and notice of the determination and description must be posted in a conspicuous place in the area.

2. Subsection 1 [shall] *must* not be construed to apply to:".

Amend section 1, page 2, line 4, by deleting "4." and inserting:

"[4.] *(c) Persons that are herding, grazing, pasturing, keeping, maintaining or driving livestock on their own lands.*

3.".

Amend section 1, page 2, line 6, by deleting "5." and inserting "[5.] *4.*".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.".

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 10.

Remarks by Assemblyman de Braga.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bills Nos. 128, 133, 322, 340, 446 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 200 be placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 18.

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

Motion carried.

Senate Bill No. 31.

Assemblyman Perkins moved that the bill be referred to the Committee on Education.

Motion carried.

Senate Bill No. 121.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 198.

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

Motion carried.

Senate Bill No. 217.

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

Motion carried.

Senate Bill No. 266.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 349.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 455.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 479.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 489.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 128.

Bill read second time and ordered to third reading.

Senate Bill No. 133.

Bill read second time and ordered to third reading.

Senate Bill No. 322.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Chowning moved that Senate Bill No. 322 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 340.

Bill read second time and ordered to third reading.

Senate Bill No. 446.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1241.

Amend section 1, page 1, line 4, after "from" by inserting: "30 days before the regular session of the legislature after".

Amend section 1, page 1, line 10, by deleting: "after the general election," and inserting: "before the next regular session of the legislature,".

Amend sec. 2, page 2, line 42, after "30 days" by inserting: "before the regular session of the legislature".

Amend sec. 2, page 2, line 48, by deleting: "after the general election," and inserting: "before the next regular session of the legislature,".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. Sections 1 and 2 of this act become effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 200.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1058.

Amend sec. 2, page 1, by deleting lines 4 through 8 and inserting:

"*1. Develop technical standards and plans for the deployment and administration of an interoperable state telecommunications system.*

2. Administer the telecommunications system developed pursuant to subsection 1.".

Amend sec. 2, page 1, line 9, by deleting "2." and inserting "*3.*".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 570.

The following Senate amendment was read:

Amendment No. 1059.

Amend sec. 2, page 1, line 10, after "*than*" by inserting: "*5 years nor more than*".

Amend sec. 2, page 1, line 12, by deleting "*district*" and inserting "*prosecuting*".

Amend sec. 4, page 3, line 13, by deleting "district" and inserting "[district] *prosecuting*".

Amend sec. 5, page 3, line 43, by deleting "district" and inserting "[district] *prosecuting*".

Amend sec. 5, page 3, line 46, by deleting "*district*" and inserting "*prosecuting*".

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

"Sec. 7. NRS 646.020 is hereby amended to read as follows:

646.020 1. Every pawnbroker doing business in any incorporated city or unincorporated town in this state shall maintain in his place of business a book or other permanent record in which must be legibly written in the English language, at the time of each loan or purchase a record thereof containing:

(a) The date and time of the transaction.

(b) The name or other identification of the person or employee conducting the transaction.

(c) The name, age, street and house number, the serial number of one piece of positive identification or a work permit issued pursuant to NRS 463.335 and a general description of the complexion, color of hair [,] and facial appearance of the person with whom the transaction is had. In lieu of recording the serial number of a piece of positive identification or a work permit, the record may contain an indication that the pawnbroker knows the person with whom the transaction is had.

(d) A description of the property received in pledge. In the case of watches, the description must contain the name of the maker and the number of the works or the case. In the case of jewelry, all letters and marks inscribed thereon must be included in the description.

(e) The amount loaned.

(f) The number of any pawn ticket issued therefor.

2. The person with whom a transaction is had shall, at the time of the transaction, certify in writing that he has the legal right to pledge or sell the property.

3. The record and all goods received must at all times during the ordinary hours of business be open to the inspection of the [district] *prosecuting* attorney or of any peace officer.".

Amend sec. 7, page 4, line 43, by deleting "district" and inserting "[district] *prosecuting*".

Amend the bill as a whole by renumbering sections 8 through 10 as sections 10 through 12 and adding a new section designated sec. 9, following sec. 7, to read as follows:

"Sec. 9. NRS 647.110 is hereby amended to read as follows:

647.110 1. Every secondhand dealer doing business in any incorporated city or unincorporated town in this state shall maintain in his place of business a book or other permanent record in which must be legibly written in the English language, at the time of each purchase, a record thereof containing:

(a) The date of the transaction.

(b) The name or other identification of the person or employee conducting the transaction.

(c) The name, age, driver's license number, street and house number and a general description of the complexion, color of hair and facial appearance of the person with whom the transaction is had.

(d) If the transaction involves household furniture, the license number of the vehicle delivering each purchase.

(e) A description of the property bought. In the case of watches, the description must contain the name of the maker and the number of the works or the case. In the case of jewelry, all letters and marks inscribed on the jewelry must be included in the description. When the article bought is furniture, or the contents of any house or room actually inspected on the premises, a general record of the transaction is sufficient.

(f) The price paid.

2. The record and all goods received must at all times during the ordinary hours of business be open to the inspection of the [district] *prosecuting* attorney or of any peace officer.".

Amend sec. 8, page 5, line 21, by deleting "district" and inserting "[district] *prosecuting*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 570.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 256, 289, 313, 430, 436; Assembly Resolution No. 13; Senate Bills Nos. 103, 169, 211; Senate Concurrent Resolution No. 16.

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I have the honor of having a guest with me today who happens to be a constituent of our colleague from Assembly District No. 21.

As you might recall, during the introduction of my son several weeks ago, I spoke of several people. Doctor Ronald Kline is the Pediatric Oncologist who is responsible for the care of my son, and his subsequent recovery.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Boney.

On request of Assemblyman Batten, the privilege of the floor of the Assembly Chamber for this day was extended to Tyson Nez, Tidudizi Hoferer, Jenny Arthur, Gina Marie Dini, Norman Boney, Gail Boney and Mary Johnson.

On request of Assemblyman Humke, the privilege of the floor of the Assembly Chamber for this day was extended to Tyrone Boney and Rachelle Hernandez.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Clyde M. McWhorter.

On request of Assemblyman Perkins, the privilege of the floor of the Assembly Chamber for this day was extended to Ronald Kline.

On request of Assemblyman Spitler, the privilege of the floor of the Assembly Chamber for this day was extended to Mary Jones.

Assemblyman Perkins moved that the Assembly adjourn until Saturday, June 24, 1995 at 9 a.m.

Motion carried.

Assembly adjourned at 1:50 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTIETH DAY

CARSON CITY (Saturday), June 24, 1995

Assembly called to order at 9:21 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Sean McDougal.

Heavenly Father, thank You for Your abundant blessings on our United States of America. I ask You, Father to bless these men and women whom You have put in these positions of authority. Bless them with wisdom, discernment, knowledge and understanding. Have them do what Proverbs, 3:5 says: "Trust in the Lord with all your heart and lean not on your own understanding."

When they face trying circumstances and difficult decisions, let them trust in You Lord, acknowledge You, and You will make their paths straight. Put Your hedge of protection and angels around them and their families.

We ask these things in Jesus' Precious Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bills Nos. 170, 377, 672, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 679, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 709, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 610, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 567, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 559; Senate Bill No. 543, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Senate Bill No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 23, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 12, 56, 88, 217, 218, 219, 220, 226, 227, 229, 231, 232, 240, 245, 252.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 187, 405, 435, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Assembly Concurrent Resolution No. 31, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By Assemblyman Harrington:

Assembly Bill No. 731—An Act relating to juveniles; requiring that certain juveniles charged with a felony involving the use of a firearm be prosecuted as adults; and providing other matters properly relating thereto.

Assemblyman Harrington moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Assembly Bills Nos. 122, 200, 632, 651; Senate Bills Nos. 144, 446, 458 be placed on the General File immediately following Assembly Bill No. 363.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 363.

Bill read third time.

Remarks by Assemblymen Anderson and Segerblom.

Roll call on Assembly Bill No. 363:

YEAS—40.

NAYS—Steel.

Absent—Humke.

Assembly Bill No. 363 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 122.

Bill read third time.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 9:34 a.m.

ASSEMBLY IN SESSION

At 10:19 a.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblymen Evans, Monaghan, Carpenter and Steel.

Assemblymen Ernaut, Evans and Perkins moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 122.

Roll call on Assembly Bill No. 122:

YEAS—29.

NAYS—Allard, Batten, Bennett, Braunlin, Carpenter, Close, Harrington, Nolan, Steel, Stroth, Tiffany, Mr. Speaker Hettrick—12.

Absent—Humke.

Assembly Bill No. 122 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 200.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Assembly Bill No. 200:

YEAS—40.

NAYS—None.

Absent—Humke.

Not voting—Spitler.

Assembly Bill No. 200 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 632.

Bill read third time.

Remarks by Assemblyman Carpenter.

Potential conflict of interest declared by Assemblyman Carpenter.

Roll call on Assembly Bill No. 632:
YEAS—40.
NAYS—Harrington.
Absent—Humke.

Assembly Bill No. 632 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 651.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Assembly Bill No. 651:
YEAS—40.
NAYS—Williams.
Absent—Humke.

Assembly Bill No. 651 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that all rules be suspended and that Assembly Bills Nos. 122, 200, 363, 632, 651 be immediately transmitted to the Senate.
Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 144.
Bill read third time.
Remarks by Assemblyman Stroth.
Roll call on Senate Bill No. 144:
YEAS—41.
NAYS—None.
Absent—Humke.

Senate Bill No. 144 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 446.
Bill read third time.
Remarks by Assemblymen Close, Carpenter and Bennett.
Roll call on Senate Bill No. 446:
YEAS—41.
NAYS—None.
Absent—Humke.

Senate Bill No. 446 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 458 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 128.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Senate Bill No. 128:

YEAS—34.

NAYS—Arberry, Bennett, Carpenter, Price, Steel—5.

Absent—Humke.

Not voting—Harrington, Lambert—2.

Senate Bill No. 128 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 133.

Bill read third time.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:45 a.m.

ASSEMBLY IN SESSION

At 10:49 a.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Batten moved that Senate Bill No. 133 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 190.

Bill read third time.

Remarks by Assemblyman Bennett.

Roll call on Senate Bill No. 190:

YEAS—41.

NAYS—None.

Absent—Humke.

Senate Bill No. 190 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 308.

Bill read third time.

The following amendment was proposed by Assemblyman Price:

Amendment No. 1264.

Amend sec. 2, page 2, by deleting lines 14 and 15 and inserting: "*terly installments on or before the dates specified for installments paid pursuant to subsection 4 of NRS 361.483. Any installment payment that is not paid on or before the date on which*".

Amend sec. 4, page 3, by deleting lines 14 and 15 and inserting: "*terly installments on or before the dates specified for installments paid pursuant to subsection 4 of NRS 361.483. Any installment payment that is not paid on or before the date on which*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 340.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Senate Bill No. 340:

YEAS—41.

NAYS—None.

Absent—Humke.

Senate Bill No. 340 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 473.

Bill read third time.

Remarks by Assemblymen Tripple, Dini and Lambert.

Roll call on Senate Bill No. 473:

YEAS—40.

NAYS—None.

Absent—Humke.

Not voting—Spitler.

Senate Bill No. 473 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 503.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Senate Bill No. 503:

YEAS—39.

NAYS—Bennett.

Absent—Humke.

Not voting—Lambert.

Senate Bill No. 503 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 504.

Bill read third time.

Remarks by Assemblyman de Braga.
Roll call on Senate Bill No. 504:
YEAS—41.
NAYS—None.
Absent—Humke.

Senate Bill No. 504 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 518.
Bill read third time.
Remarks by Assemblyman Price.
Roll call on Senate Bill No. 518:
YEAS—41.
NAYS—None.
Absent—Humke.

Senate Bill No. 518 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 545 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 553.
Bill read third time.
Remarks by Assemblymen Close and Price.
Roll call on Senate Bill No. 553:
YEAS—41.
NAYS—None.
Absent—Humke.

Senate Bill No. 553 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Assemblyman Tiffany moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:07 a.m.

ASSEMBLY IN SESSION

At 11:19 a.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 581, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Assembly Bill No. 659, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN MONAGHAN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Assembly Bills Nos. 170, 377, 559, 581, 659, 672, 679, 709; Senate Bills Nos. 57, 543, 567 be placed on the Second Reading File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 24, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 61 and requests a conference, and appointed Senators Regan, O'Connell and Townsend as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 218.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 96, 101, 300, 467, 498.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 298.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 189.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 272.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Joint Resolution No. 26.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 60.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Nolan, Manendo and Hettrick as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 61.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Government Affairs:

Assembly Bill No. 732—An Act relating to public officers; requiring candidates for public or judicial office and public and judicial officers to file amended statements of financial disclosure under certain circumstances; providing penalties; and providing other matters properly relating thereto.

Assemblyman Bache moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

By Assemblymen Ohrenschall, Buckley, Close, Manendo and Batten:

Assembly Bill No. 733—An Act relating to statutory liens; revising the provisions governing the enforcement of a lien for unpaid rent against the registered owner of a recreational vehicle, mobile home or manufactured home; and providing other matters properly relating thereto.

Assemblyman Ohrenschall moved that the bill be referred to the Committee on Judiciary.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 170.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 942.

Amend the bill as a whole by deleting section 1 and inserting new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. The Legislature hereby finds and declares that:

1. On June 5, 1979, the people of the State of Nevada enacted an exemption for the retail sale of food from the sales and use tax;

2. The exemption for the retail sale of food contains an exception for food prepared for immediate consumption;

3. The provisions enacted in 1979 stated that the exemption of food for human consumption from the sales and use tax and local school support tax must be strictly construed and be applied to only those foods and beverages commonly purchased for preparation and consumption at home;

4. The provisions further stated that the exemption applies to food and beverages sold in food stores or departments where sales of eligible foods and beverages constitute more than half of the total sales;

5. Changes in modern marketing techniques have blurred the distinction between food sold in restaurants for immediate consumption and food sold in grocery stores which requires no additional preparation;

6. A clear distinction between taxable and exempt food can be made based upon whether or not it is prepared food intended for immediate consumption; and

7. The provisions enacted in 1979 need to be revised to reflect modern technology and ensure fairness and equal treatment for all sectors of the retail food business.

Sec. 2. Section 156 of chapter 286, Statutes of Nevada 1979, at page 432, is hereby amended to read as follows:

Sec. 156. 1. The section numbers and leadlines contained in the respective sections added to chapter 372 of NRS by sections 43 to 154, inclusive, of this act are for convenient reference only and are not part of the law.

2. It is the intent of the legislature that the exemption of food for human consumption from the sales and use tax and local school support tax, if it becomes effective, be strictly construed and be applied only to those foods and beverages [commonly purchased for preparation and consumption at home. As of the effective date of this section,] *which are not prepared food intended for immediate consumption, including, without limitation,* such foods and beverages [are] *as* those eligible for purchase with food coupons issued by the Department of Agriculture . [and sold in food stores or departments where sales of eligible foods and beverages constitute more than half of total sales. The exemption is not intended to include sales by or from catering services or vending machines.]

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

Amend the title of the bill to read as follows:

"An Act relating to taxation; clarifying the legislative intent concerning the application of sales tax to food for immediate consumption; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Clarifies legislative intent concerning application of sales tax to food for immediate consumption. (BDR S-692)".

Assemblyman Stroth moved the adoption of the amendment.

Remarks by Assemblymen Stroth, Evans, Price and Ernaut.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 377.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 772.

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

"Section 1. Chapter 364A of NRS is hereby amended by adding thereto a new section to read as follows:

1. For the purposes of this chapter, an organization is created for religious, charitable or educational purposes if it:

(a) Is recognized as exempt under section 501(c)(3) of the Internal Revenue Code; or

(b) Otherwise complies with the provisions of this section.

2. An organization is created for religious purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is the operation of a church, synagogue or other place of religious worship at which nonprofit religious services and activities are regularly conducted. Such an organization includes, without limitation, an integrated auxiliary or affiliate of the organization, men's, women's or youth groups established by the organization, a school or mission society operated by the organization, an organization of local units of a church and a convention or association of churches.

3. An organization is created for charitable purposes if:

(a) It complies with the requirements set forth in subsection 5;

(b) The sole or primary purpose of the organization is to:

(1) Advance a public purpose, donate or render gratuitously or at a reduced rate a substantial portion of its services to the persons who are the subjects of its charitable services, and benefit a substantial and indefinite class of persons who are the legitimate subjects of charity; or

(2) Provide services that are otherwise required to be provided by a local government, this state or the Federal Government; and

(c) The organization is operating in this state.

4. An organization is created for educational purposes if:

(a) It complies with the requirements set forth in subsection 5; and

(b) The sole or primary purpose of the organization is to:

(1) Provide athletic, cultural or social activities for children;

(2) Provide displays or performances of the visual or performing arts to members of the general public; or

(3) Operate a school, college or university located in this state that conducts regular classes and provides courses of study required for accreditation or licensing by the state board of education or the commission of post-secondary education, or for membership in the Northwest Association of Schools and Colleges.

5. In addition to the requirements set forth in subsection 2, 3 or 4, an organization is created for religious, charitable or educational purposes if:

(a) No part of the net earnings of any such organization inures to the benefit of a private shareholder, individual or entity;

(b) The business of the organization is not conducted for profit;

(c) No substantial part of the business of the organization is devoted to the advocacy of any political principle or the defeat or passage of any state or federal legislation;

(d) The organization does not participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office; and

(e) Any property sold to the organization for which an exemption is claimed is used by the organization in this state in furtherance of the religious, charitable or educational purposes of the organization.".

Amend section 1, page 1, line 8, by deleting: "*A charitable organization*" and inserting: "*An organization that is created for religious, charitable or educational purposes*".

Amend section 1, page 1, by deleting lines 10 through 12.

Amend section 1, page 1, line 13, by deleting "*(b)*" and inserting "*(a)*".

Amend section 1, page 1, between lines 14 and 15 by inserting:

"*(b) The trade show or convention is the first or second such event held at a facility operated by the organization during the calendar year;*

(c) No more than two trade shows, conventions, or both, during that year will be held at a facility operated by the organization; and

(d) The organization notifies the department in writing, not less than 30 days before the date the trade show or convention begins, that it is not responsible for the payment of the taxes.".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price and Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 559.

Bill read second time.

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

Amendment No. 1131.

Amend section 1, page 1, line 3, after "*or*" by inserting "*unreasonably*".

Amend section 1, page 1, line 6, after "2." by inserting: "*A deed restriction which violates the provisions of this section is void.*

3.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 581.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1190.

Amend sec. 3, page 1, line 16, by deleting "*industrial development*" and inserting "*business finance*".

Amend sec. 3, page 1, lines 17 and 18, by deleting: "*and otherwise assisting*" and inserting: "*for the assistance of*".

Amend sec. 3, page 2, lines 2 and 3, by deleting: "*growth, retention and economic diversification*" and inserting: "*growth and retention*".

Amend sec. 3, page 2, by deleting lines 4 and 5 and inserting:

"*2. Create within the department, as part of the office of business finance and planning, a center for business advocacy and services:*".

Amend sec. 3, page 2, line 6, by deleting "*Assist*" and inserting "*To assist*".

Amend sec. 3, page 2, line 8, by deleting "*Increase*" and inserting: "*In cooperation with the executive director of the commission on economic development, to increase*".

Amend sec. 3, page 2, by deleting line 9 and inserting: "*ing as an industry and to assist in identifying and encouraging public support of businesses and industries that manufacture*".

Amend sec. 3, page 2, line 11, by deleting "*Serve*" and inserting "*To serve*".

Amend sec. 3, page 2, by deleting line 13 and inserting: "*(d) To assist the office of business finance and planning in establishing*".

Amend sec. 3, page 2, by deleting line 17 and inserting:

"*(e) In cooperation with the executive director of the commission on economic development, to advise the director and the office of business finance and plan-*".

Amend sec. 5, page 3, line 23, by deleting: "*heard and arbitrated*" and inserting: "*heard, mediated, arbitrated or resolved through alternative means of dispute resolution*".

Amend sec. 5, page 3, line 24, by deleting "*arbitration.*" and inserting: "*mediation, arbitration or alternative means of dispute resolution.*".

Amend sec. 5, page 3, line 26, by deleting: "*hear and arbitrate*" and inserting: "*hear, mediate, arbitrate or resolve by alternative means of dispute resolution*".

Amend sec. 5, page 3, lines 28 and 29, by deleting: "*hear and arbitrate*" and inserting: "*hear, mediate, arbitrate or resolve through alternative means of dispute resolution*".

Amend sec. 5, page 3, line 34, by deleting "*arbitration.*" and inserting: "*arbitration, mediation or other alternative means of dispute resolution.*".

Amend sec. 7, page 4, by deleting line 26.

Amend sec. 7, page 4, line 27, by deleting "*(n)*" and inserting "*(m)*".

Amend sec. 7, page 4, line 28, by deleting "*(o)*" and inserting "*(n)*".

Amend sec. 7, page 4, by deleting line 29.

Amend sec. 7, page 4, line 30, by deleting "*(q)*" and inserting "*(o)*".

Amend sec. 7, page 4, line 31, by deleting "*(r)*" and inserting "*(p)*".

Amend sec. 7, page 4, line 32, after "*specific*" by inserting: "*statute, the budget approved by the legislature or an executive order, or an entity whose budget or activities have been placed within the control of the department by a specific*".

Amend sec. 8, page 4, line 35, after "chief" by inserting: "*or executive director, or both of them,*".

Amend sec. 8, page 4, by deleting line 37 and inserting: "*to appoint such a chief or executive director, or both of them, is expressly vested in another person, board or commission by a specific*".

Amend sec. 8, page 5, by deleting line 9 and inserting: "2. Is responsible for the".

Amend sec. 8, page 5, line 14, by deleting "the perform-" and inserting "[the perform-".

Amend sec. 8, page 5, lines 15 and 16, by deleting: "division [.] *or other entity.*" and inserting: "division.] *carrying out any duty or exercising any power necessary to fulfill the responsibilities of the director pursuant to this subsection. Nothing contained in this subsection may be construed as allowing the director to preempt any authority or jurisdiction granted by statute to any division or other entity within the department or as allowing the director to act or take on a function that would be in contravention of a rule of court or a statute.*".

Amend sec. 8, page 5, by deleting lines 17 and 18 and inserting:

"*3. Has authority to:*

(a) Establish uniform policies for the department, consistent with the policies and statutory responsibilities and duties of the divisions and other entities within the department, relating to matters".

Amend sec. 8, page 5, by deleting lines 21 through 24 and inserting: "*acceptance of gifts or donations, the management of records and any other subject for which a*".

Amend sec. 8, page 5, line 27, by deleting: "*Coordinating and defining*" and inserting: "*Provide coordination among the divisions and other entities within the department, in a manner which does not encroach upon their statutory powers and duties, as they adopt and enforce regulations, execute agreements, purchase goods, services or equipment, prepare legislative requests and lease or utilize office space.*

(c) Define".

Amend sec. 8, page 6, line 7, after "*director.*" by inserting: "*The interest and income earned on money in the trust account, less any amount deducted to pay for applicable charges, must be credited to the trust account.*".

Amend the title of the bill by deleting the third and fourth lines and inserting: "department of an office of business finance and planning and a center for business advocacy and services; authorizing the use within the department of alternative means".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 659.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1093.

Amend section 1, page 1, line 2, by deleting "19," and inserting "20,".

Amend sec. 2, page 1, line 3, by deleting "*19,*" and inserting "*20,*".

Amend the bill as a whole by renumbering sections 3 through 6 as sections 6 through 9 and adding new sections designated sections 3 through 5, following sec. 2, to read as follows:

"Sec. 3. "*Do-not-resuscitate identification bracelet*" *means a standardized bracelet of uniform size and design, approved by the health division, which signifies that a person is a qualified patient who wishes not to be resuscitated in the event of cardiac or respiratory arrest or that the person's attending physician has issued a do-not-resuscitate order for the person, has obtained the approval of the person regarding the order and has documented the grounds for the order in the person's medical file.*

Sec. 4. "*Do-not-resuscitate order*" *means an oral or written directive from a physician licensed in this state that emergency life-resuscitating procedures should not be administered to a person.*

Sec. 5. *"Do-not-resuscitate protocol" means standardized procedures and guidelines, established by the health division, for the withholding of emergency life-resuscitating procedures in compliance with a do-not-resuscitate order or a do-not-resuscitate identification bracelet.*".

Amend the bill as a whole by deleting sections 7 through 9, renumbering sections 10 through 19 as sections 11 through 20 and adding a new section designated sec. 10, following sec. 6, to read as follows:

"Sec. 10. *The provisions of sections 2 to 20, inclusive, of this act, apply to emergency services administered to a person before he is admitted to a hospital.*".

Amend sec. 10, page 2, line 5, by deleting "*board*" and inserting "*health division*".

Amend sec. 10, page 2, line 6, by deleting "*19,*" and inserting "*20,*".

Amend sec. 10, page 2, line 7, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 10, page 2, lines 9 and 10, by deleting: "*written resuscitation orders.*" and inserting: "*obtaining a do-not-resuscitate identification bracelet.*".

Amend sec. 10, page 2, line 12, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 10, page 2, line 13, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 10, page 2, line 30, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 10, page 2, by deleting lines 34 through 37 and inserting:

"*(b) The name and date of birth of the person; and*

(c) The name of the person's attending physician.".

Amend sec. 10, page 2, line 38, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 10, page 2, line 39, by deleting the period and inserting: "*and the cost of obtaining the bracelet from the manufacturer, including, without limitation, postage and shipping costs.*".

Amend sec. 11, page 2, line 41, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 11, page 2, line 44, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 11, page 2, by deleting line 45 and inserting: "*the patient, to the health division for a do-not-resuscitate identification bracelet for the*".

Amend sec. 11, page 2, line 47, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 12, page 3, by deleting lines 1 through 6 and inserting:

"Sec. 13. *A qualified patient may apply to the health division or its designee for a do-not-resuscitate identification bracelet by submitting a completed application form provided by the health division. The patient shall comply with any other requirements for application prescribed by the health division and sign a form attesting that he has informed his family*

members within the first degree of consanguinity or affinity, or if he has no such family members living, his caretakers, if any, of his decision to apply for a bracelet.".

Amend sec. 13, page 3, line 7, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 14, page 3, line 13, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 14, page 3, line 14, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 14, page 3, line 17, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 14, page 3, line 18, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 14, page 3, by deleting line 21 and inserting: "*wearing a do-not-resuscitate identification bracelet or carries out a do-not-resuscitate*".

Amend sec. 14, page 3, line 22, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 14, page 3, lines 30 and 31, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 15, page 3, line 36, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 15, page 3, line 38, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 15, page 3, line 39, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 15, page 3, by deleting line 40 and inserting:

"*2. A person who administers emergency medical services who is unwilling or unable to*".

Amend sec. 15, page 3, line 41, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 15, page 3, line 42, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 15, page 3, line 43, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 16, page 3, line 47, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 16, page 3, line 48, by deleting "*19,*" and inserting "*20,*".

Amend sec. 16, page 4, line 1, by deleting "*19,*" and inserting "*20,*".

Amend sec. 16, page 4, line 2, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 17, page 4, line 6, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 17, page 4, line 7, by deleting "*19,*" and inserting "*20,*".

Amend sec. 17, page 4, line 9, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 17, page 4, line 14, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 17, page 4, line 16, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 18, page 4, line 21, by deleting "*15*" and inserting "*16*".

Amend sec. 18, page 4, lines 22 and 23, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 18, page 4, line 24, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 18, page 4, line 26, by deleting "*resuscitation*" and inserting: "*do-not-resuscitate*".

Amend sec. 19, page 4, line 28, by deleting "*19,*" and inserting "*20,*".

Amend sec. 19, page 4, line 31, by deleting "*or*".

Amend sec. 19, page 4, line 32, after "*3.*" by inserting: "*Substitute for any other legally authorized procedures by which a person may direct that he not be resuscitated in the event of a cardiac or respiratory arrest;*

4. Affect or impair any rights created pursuant to the provisions of NRS 449.535 to 449.690, inclusive; or

5.".

Assemblyman Monaghan moved the adoption of the amendment.

Remarks by Assemblyman Monaghan.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 672.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1178.

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

"Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

All real and personal property which is leased or rented to the University and Community College System of Nevada for total consideration which is less than 10 percent of the fair market rental or lease value of the property is hereby deemed to be used for an educational purpose and is exempt from taxation.

Sec. 2. NRS 361.125 is hereby amended to read as follows:

361.125 1. Except as otherwise provided in subsection 2, churches, chapels, other than marriage chapels, and other buildings used for religious worship, with their furniture and equipment, and the lots of ground on which they stand, used therewith and necessary thereto, owned by some recognized religious society or corporation, and parsonages so owned, are exempt from taxation.

2. Except as otherwise provided in NRS 361.157, when any such property is used exclusively or in part for any other than church purposes, and a rent or other valuable consideration is received for its use, the property must be taxed.

3. If a recognized religious society or corporation leases or rents space to facilitate worship during the same fiscal year in which it owns a parcel of vacant land with the intent of constructing a church or chapel, other than a marriage chapel, on that land and the society or corporation has no other church or chapel in the county, the parcel of land is exempt from taxation for not more than 3 consecutive years. If a church or chapel has not been constructed by the end of the third year of exemption or the property is sold before that date, the exemption is voided and the taxes must be paid for the years for which an exemption pursuant to this subsection was claimed.".

Amend the title of the bill to read as follows:

"An Act relating to property taxes; exempting certain property leased or rented to the University and Community College System of Nevada from taxation; revising the provisions governing the exemption of property used for religious worship; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Exempts certain property from taxation. (BDR 32-2053)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblymen Price, Segerblom and Stroth.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 679.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1108.

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

"Section 1. NRS 423.130 is hereby amended to read as follows:

423.130 1. All gifts of money which the northern Nevada children's home is authorized to accept must be deposited in the state treasury to the credit of the northern Nevada children's home's gift account in the department of human resources' gift fund.

2. All gifts of money which the southern Nevada children's home is authorized to accept must be deposited in the state treasury to the credit of the southern Nevada children's home's gift account in the department of human resources' gift fund.

3. [Money] *Except as otherwise provided in section 2 of this act, money* in the gift accounts may be used:

(a) For children's home purposes; and

(b) To benefit the children to whom shelter and care is provided under a contract entered into pursuant to NRS 423.147.

Each gift must be expended in accordance with the terms of the gift.

4. Each claim against the northern Nevada children's home or the southern Nevada children's home must be approved by the superintendent of the home to which it pertains before it is paid.

Sec. 2. Chapter 432 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The interest and income earned on money in the northern Nevada children's home's gift account and the southern Nevada children's home's gift account deposited pursuant to NRS 423.130 may be distributed by the division to foster parents, upon request, on the basis of need, to pay the costs associated with participation by a child in foster care in intramural, recreational, social, school and sports-related activities, including, but not limited to, uniforms and equipment, the rental of musical instruments, registration fees and art lessons.

2. All requests for distributions of money pursuant to subsection 1 must be made to the division in writing. The person making the request must demonstrate that all other resources for money to pay for the activity have been exhausted.

3. The division:

(a) Shall not distribute more than $25,000 per year pursuant to this section.

(b) Shall develop policies for the administration of this program.".

Amend the title of the bill to read as follows:

"An Act relating to the division of child and family services of the department of human resources; authorizing the division to distribute the interest and income earned from money deposited into certain gift accounts to fund special activities for children in foster care; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes division of child and family services of department of human resources to distribute interest and income earned from money deposited into certain gift accounts to fund special activities for children in foster care. (BDR 38-1644)".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning and Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 709.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1050.

Amend section 1, page 1, line 2, by deleting: "2 and 3" and inserting: "2, 3 and 4".

Amend the bill as a whole by renumbering sections 2 through 5 as sections 3 through 6 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. *"Provider of health care" has the meaning ascribed to it in NRS 629.031.*".

Amend sec. 3, page 1, line 13, after "*tests;*" by inserting "*and*".

Amend sec. 3, page 1, by deleting lines 14 through 21 and inserting:

"*3. A provider of health care who is currently treating or providing assistance in the treatment of the patient.*".

Amend sec. 4, page 2, line 2, by deleting "*section*" and inserting "*sections*".

Amend sec. 4, page 2, line 3, after "*2*" by inserting "*and 3*".

Amend the bill as a whole by renumbering sec. 6 as sec. 8 and adding a new section designated sec. 7, following sec. 5, to read as follows:

"Sec. 7. Chapter 652 of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.".

Amend sec. 6, page 3, by deleting lines 14 through 16 and inserting:

"Sec. 8. *1. A licensed laboratory may release the results of tests performed at the*".

Amend sec. 6, page 3, line 19, after "*tests;*" by inserting "*and*".

Amend sec. 6, page 3, by deleting lines 20 through 29 and inserting:

"*(c) A provider of health care who is currently treating or providing assistance in the treatment of the patient.*

2. As used in this section:

(a) "Provider of health care" has the meaning ascribed to it in NRS 629.031.

(b) "Rural hospital" has the meaning ascribed to it in section 3 of this act.".

Amend the bill as a whole by renumbering sec. 7 as sec. 11 and adding new sections designated sections 9 and 10, following sec. 6, to read as follows:

"Sec. 9. *A licensed nurse who is employed by a medical facility that is licensed pursuant to NRS 449.001 to 449.240, inclusive, may perform laboratory tests that are categorized as waived tests pursuant to 42 C.F.R. § 493.15 if:*

1. The laboratory director has verified the competence of the nurse to perform the particular test;

2. The test is performed in accordance with instructions written by the manufacturer of the instruments necessary to conduct the test; and

3. A system is in place whereby tests performed by licensed nurses and the results of such tests are reviewed and verified by the laboratory director or his designee.

Sec. 10. NRS 652.080 is hereby amended to read as follows:

652.080 1. Except as otherwise provided in NRS 652.235 , [and] section 6 of [this act,] *Assembly Bill No. 436 of this session and section 9 of this act,* no person, corporation, partnership or other form of business entity may operate, conduct, issue a report from or maintain a medical laboratory without first obtaining a license to do so issued by the board pursuant to the provisions of this chapter.

2. Such a license is valid for 12 months and is renewable annually on or before the date of its expiration.

3. No license may be issued to a laboratory which does not have a laboratory director.

4. A license may be placed in an inactive status upon the approval of the board and the payment of current fees.".

Amend sec. 7, page 3, line 38, by deleting "*6*" and inserting "*8*".

Amend sec. 7, page 3, line 40, by deleting "procedure." and inserting: "procedure [.] *and to the patient for whom the testing or procedure was performed.*".

Amend the title of the bill to read as follows:

"An Act relating to medical facilities; specifying the persons who are entitled to access the results of laboratory tests regarding patients of rural hospitals and other patients; authorizing licensed nurses to perform certain laboratory tests under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Specifies persons who may obtain results of laboratory tests and authorizes licensed nurses to perform certain laboratory tests. (BDR 40-1389)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 57.

Bill read second time.

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

Amendment No. 1261.

Amend section 1, page 1, line 7, after "NRS." by inserting: "*If that wound, injury or disability is aggravated or recurs while the member is in the line of duty in the service of the state, the member or his dependents are also entitled to receive such compensation.*".

Amend section 1, page 1, line 24, by deleting the period and inserting: ", *if:*

(a) The Federal compensation or benefits arise from military duties performed pursuant to Title 10 or Title 32 of the United States Code; and

(b) The wound, injury, illness or disability is not an aggravation or recurrence of a wound, injury, illness or disability that arose from previous duties performed pursuant to Title 10 or Title 32 of the United States Code.".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to the Concurrent Committee on Labor and Management.

Senate Bill No. 543.

Bill read second time.

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

Amendment No. 1219.

Amend section 1, page 1, line 6, by deleting "*main*" and inserting "*line extension*".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 567.

Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was re-referred Assembly Bill No. 545, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 458.

Bill read third time.

Assemblyman Ernaut moved that Senate Bill No. 458 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 458 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Stroth moved that Assembly Bills Nos. 545, 610 be placed at the top of the General File.

Motion carried.

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:52 a.m.

ASSEMBLY IN SESSION

At 12 noon.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 622, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was re-referred Senate Bill No. 324, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 337, 483, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JEANNINE STROTH, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 24, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 49, 452.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 223.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Joint Resolution No. 26.

Assemblyman Stroth moved that the resolution be referred to the Committee on Transportation.

Motion carried.

Senate Concurrent Resolution No. 60.

Assemblyman Stroth moved that the resolution be referred to the Committee on Transportation.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 49.

Assemblyman Stroth moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 96.

Assemblyman Stroth moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 101.

Assemblyman Stroth moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 218.

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

Motion carried.

Senate Bill No. 300.

Assemblyman Stroth moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 452.

Assemblyman Stroth moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 467.

Assemblyman Stroth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 498.

Assemblyman Stroth moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Assembly Bill No. 672 be re-referred to the Committee on Taxation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 545.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1216.

Amend section 1, page 1, line 2, by deleting "7," and inserting "6,".

Amend sec. 3, page 2, line 2, by deleting "*$2,500.*" and inserting "*$500.*".

Amend sec. 3, page 2, line 3, by deleting "*$5,000.*" and inserting "*$1,000.*".

Amend sec. 3, page 2, line 4, by deleting "*$10,000.*" and inserting "*$1,500.*".

Amend the bill as a whole by deleting sec. 5 and renumbering sections 6 through 9 as sections 5 through 8.

Amend sec. 8, page 2, line 47, by deleting "[Four] *Five*" and inserting "Four".

Amend sec. 8, page 3, line 7, after "(c)" by inserting: "*One nursing assistant who is certified pursuant to the provisions of this chapter.*

(d)".

Amend the bill as a whole by deleting sec. 10 and renumbering sections 11 through 27 as sections 9 through 25.

Amend sec. 11, page 5, line 19, by deleting the bracket.

Amend sec. 11, page 5, by deleting lines 24 through 33 and inserting: "in charge shall make a report as required in subsection 1.".

Amend sec. 13, page 6, line 11, by deleting "*Substantially related*" and inserting "*Related*".

Amend sec. 16, page 8, line 18, by deleting "or courses".

Amend sec. 16, page 8, between lines 36 and 37, by inserting:

"8. A personal assistant from performing services for a person with a physical disability pursuant to section 1 of [this act.] *Assembly Bill No. 645 of this session.*".

Amend sec. 19, page 9, line 6, by deleting "papers." and inserting: "papers [.] *relating to any investigation or hearing conducted by the board.*".

Amend sec. 25, page 11, line 41, by deleting "8" and inserting "7".

Amend sec. 27, page 12, by deleting line 4 and inserting:

"Sec. 25. Sections 14 and 21 of this act become effective at 12:01 a.m. on October".

Amend the title of the bill, fifth and sixth lines, by deleting: "authorizing nursing assistants to perform acts in addition to basic nursing services under certain circumstances;".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 610.

Bill read third time.

Remarks by Assemblyman Harrington.

Roll call on Assembly Bill No. 610:

YEAS—39.

NAYS—None.

Absent—Arberry, Humke, Williams—3.

Assembly Bill No. 610 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 458.

Bill read third time.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 1274.

Amend the bill as a whole by deleting sec. 5 and inserting:

"Sec. 5. (Deleted by amendment.)".

Amend sec. 155, page 48, line 23, by deleting "5,".

Amend the title of the bill by deleting the first through third lines and inserting: "An Act relating to industrial insurance; authorizing the manager to establish a plan for classifying certain".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache, Giunchigliani and Nolan.

Amendment lost.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 1273.

Amend the bill as a whole by deleting sec. 49.5 and inserting:

"Sec. 49.5. (Deleted by amendment.)".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache, Giunchigliani and Ernaut.

Amendment lost.

The following amendment was proposed by Assemblyman Bache:

Amendment No. 1275.

Amend the bill as a whole by deleting sec. 102 and inserting:

"Sec. 102. (Deleted by amendment.)".

Amend the title of the bill by deleting the ninth through eleventh lines and inserting: "broker-salesman and salesman who is associated with him; revising the provisions relating to".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblymen Bache and Ernaut.

Amendment lost.

Remarks by Assemblymen Nolan, Dini, Krenzer, Giunchigliani, Bache, Chowning, Segerblom, Ernaut and Freeman.

Potential conflicts of interest declared by Assemblymen Chowning, Goldwater, Braunlin and Price.

Conflicts of interest declared by Assemblymen Krenzer and Close.

Assemblyman Dini moved that Senate Bill No. 458 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Dini.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 189, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recomend that the bill be further amended as set forth in Conference Amendment No. 10, which is attached to and hereby made a part of this report.

BERNARD J. ANDERSON, JR.	JON C. PORTER
DENNIS L. ALLARD	RAYMOND C. SHAFFER
DAVID E. GOLDWATER	LAWRENCE E. JACOBSEN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No 10.

Amend section 1, page 2, line 28, by deleting "*must*" and inserting "*may*".

Assemblyman Anderson moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 189.

Remarks by Assemblyman Anderson.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 272, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

JEANNINE STROTH	ANN O'CONNELL
MAUREEN E. BROWER	RANDOLPH J. TOWNSEND
MICHAEL A. SCHNEIDER	JOHN B. REGAN
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Stroth moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 272.

Remarks by Assemblyman Stroth.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Assembly Bill No. 622; Senate Bills Nos. 324, 337, 483 be placed on the Second Reading File.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Tiffany moved that the Assembly do not recede from its action on Senate Bill No. 298, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Tiffany.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Spitler, Tiffany and Schneider as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 298.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 476.

The following Senate amendment was read:

Amendment No. 952.

Amend sec. 4, page 2, by deleting line 32 and inserting: "*contractor and not occupied by the purchaser for more than 120 days.*".

Amend sec. 6, page 3, line 21, by deleting: "*or his agent*".

Amend sec. 6, page 3, line 25, by deleting: "*or his agent*".

Amend sec. 6, page 3, line 31, after "*discovers*" by inserting: "*or reasonably should have discovered*".

Amend sec. 6, page 3, line 33, by deleting "*earlier.*" and inserting "*later.*".

Amend sec. 6, page 3, line 34, by deleting: "*or his agent*".

Assemblyman Tiffany moved that the Assembly concur in the Senate amendment to Assembly Bill No. 476.

Remarks by Assemblyman Tiffany.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 479.

The following Senate amendment was read:

Amendment No. 951.

Amend section 1, page 1, line 4, by deleting "or any" and inserting: "*except a death that results from a condition of the property,* or *the site of* any".

Amend section 1, page 1, line 10, by deleting "*or buyer*".

Amend section 1, page 1, line 12, by deleting "1." and inserting:

"1 [.] *that is not material to the transaction.*

3. Except as otherwise provided in an agreement between a buyer and his agent, an agent of the buyer is not liable to the buyer in any action at law or in equity because of the failure to disclose any fact described in subsection 1 that is not material to the transaction.".

Amend the title of the bill to read as follows:

"An Act relating to sales of real property; providing that certain deaths that previously occurred on the property are not material to the transaction; excluding the agent of a buyer from liability for failure to disclose certain facts concerning the property unless otherwise agreed; and providing other matters properly relating thereto.".

Assemblyman Tiffany moved that the Assembly concur in the Senate amendment to Assembly Bill No. 479.

Remarks by Assemblyman Tiffany.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 299.

The following Senate amendment was read:

Amendment No. 1036.

Amend sec. 11.5, pages 2 and 3, by deleting lines 46 through 48 on page 2 and lines 1 through 9 on page 3, and inserting: "*chapter must include coverage of basic medical and hospital care.*".

Amend sec. 35, page 12, line 21, after "[and]" by inserting: "section 2 of [this act, and] *Senate Bill No. 271 of this session,*".

Assemblyman Tiffany moved that the Assembly concur in the Senate amendment to Assembly Bill No. 299.

Remarks by Assemblyman Tiffany.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 594.

The following Senate amendment was read:

Amendment No. 1185.

Amend sec. 12, page 4, line 12, by deleting "Notwithstanding" and inserting: "[Notwithstanding] *Except as otherwise provided in this subsection and notwithstanding*".

Amend sec. 12, page 4, line 17, after "resignation." by inserting: "*This subsection does not apply to a supplier who sells less than 2,500 barrels of*

malt beverages, less than 250 cases of distilled spirits or less than 2,000 cases of wine in this state in any calendar year, or who operates a winery pursuant to NRS 597.240.".

Amend the bill as a whole by deleting sections 16 and 17 and adding new sections designated sections 16 and 17, following sec. 15, to read as follows:

"Sec. 16. NRS 597.230 is hereby amended to read as follows:

597.230 1. In a county whose population is [100,000] *400,000* or more, a person may operate a [brewery in] *brew pub:*

(a) In any redevelopment area established in that county pursuant to NRS 279.382 to 279.685, inclusive [, or in] *;*

(b) In any historic district established in that county pursuant to NRS 384.005 [, or in both a redevelopment area and a historic district established in that county. Such a brewery] *; or*

(c) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

A person who operates one or more brew pubs may not manufacture more than [5,000] *10,000* barrels of malt beverages *for all the brew pubs he operates in that county* in any calendar year.

2. In a county whose population is less than [100,000,] *400,000,* a person may operate a [brewery:] *brew pub:*

(a) In any redevelopment area established in that county pursuant to NRS 279.382 to 279.685 [, inclusive, or in] *;*

(b) In any historic district established in that county pursuant to NRS 384.005 [, or in both a redevelopment area and a historic district established in that county. Such a brewery may not manufacture more than 5,000 barrels of malt beverages in any calendar year.

(b)] *; or*

(c) In any other area in the county designated by the board of county commissioners for the operation of [breweries. Such a brewery] *brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.*

A person who operates one or more brew pubs may not manufacture more than [3,000] *5,000* barrels of malt beverages *for all brew pubs he operates in that county* in any calendar year.

3. The premises of any [brewery] *brew pub* operated pursuant to this section must be conspicuously identified as a "brew pub."

4. A person who operates a [brewery] *brew pub* pursuant to this section may, upon obtaining a license pursuant to chapter 369 of NRS and *complying with* any other applicable governmental requirements:

(a) Manufacture and store malt beverages on the premises of the [brewery] *brew pub* and sell and transport the malt beverages manufactured on the

premises to a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS.

(b) Sell at retail malt beverages manufactured on or off the premises of the [brewery] *brew pub* for consumption on the premises.

(c) Sell at retail in packages sealed on the premises of the [brewery,] *brew pub,* malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for consumption off the premises.

[5. As used in this section, "malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.]

Sec. 17. NRS 597.230 is hereby amended to read as follows:

597.230 1. In a county whose population is 400,000 or more, a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to NRS 279.382 to 279.685, inclusive;

(b) In any historic district established in that county pursuant to NRS 384.005; or

(c) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

A person who operates one or more brew pubs may not manufacture more than [10,000] *15,000* barrels of malt beverages for all the brew pubs he operates in that county in any calendar year.

2. In a county whose population is less than 400,000, a person may operate a brew pub:

(a) In any redevelopment area established in that county pursuant to NRS 279.382 to 279.685;

(b) In any historic district established in that county pursuant to NRS 384.005; or

(c) In any other area in the county designated by the board of county commissioners for the operation of brew pubs. In a city which is located in that county, a person may operate a brew pub in any area in the city designated by the governing body of that city for the operation of brew pubs.

A person who operates one or more brew pubs may not manufacture more than 5,000 barrels of malt beverages for all brew pubs he operates in that county in any calendar year.

3. The premises of any brew pub operated pursuant to this section must be conspicuously identified as a "brew pub."

4. A person who operates a brew pub pursuant to this section may, upon obtaining a license pursuant to chapter 369 of NRS and complying with any other applicable governmental requirements:

(a) Manufacture and store malt beverages on the premises of the brew pub and sell and transport the malt beverages manufactured on the premises to a person holding a valid wholesale wine and liquor dealer's license or wholesale beer dealer's license issued pursuant to chapter 369 of NRS.

(b) Sell at retail malt beverages manufactured on or off the premises of the brew pub for consumption on the premises.

(c) Sell at retail in packages sealed on the premises of the brew pub, malt beverages, including malt beverages in unpasteurized form, manufactured on the premises for consumption off the premises.''.

Assemblyman Tiffany moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 594.

Remarks by Assemblyman Tiffany.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 307.

The following Senate amendment was read:

Amendment No. 1149.

Amend sec. 3, page 2, line 13, by deleting ''[three] *two*'' and inserting ''three''.

Assemblyman de Braga moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 307.

Remarks by Assemblyman de Braga.

Motion carried.

Bill ordered transmitted to the Senate.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:56 p.m.

ASSEMBLY IN SESSION

At 1:49 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Braunlin, Neighbors, Allard, Anderson, Arberry, Bache, Batten, Bennett, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Manendo, Marvel, Monaghan, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams:

Assembly Concurrent Resolution No. 49—Directing the Legislative Commission to conduct an interim study of the impact of competition in the generation, sale and transmission of electrical energy.

Assemblyman Giunchigliani moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 622.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1047.

Amend the bill as a whole by deleting sec. 2 and inserting:

"Sec. 2. (Deleted by amendment.)".

Amend sec. 3, pages 1 and 2, by deleting lines 15 through 23 on page 1 and lines 1 through 44 on page 2, and inserting:

"Sec. 3. *1. As necessary to comply with applicable federal law, the attorney general shall conduct random, unannounced inspections at locations where tobacco and products made from tobacco are sold, distributed or offered for sale to enforce compliance with NRS 202.2493 and 202.2494. For assistance in conducting any such inspection, the attorney general may contract with:*

(a) Any sheriff's department;

(b) Any police department; or

(c) Any other person who will, in the opinion of the attorney general, perform the inspection in a fair and impartial manner.

2. If the inspector desires to enlist the assistance of a child under the age of 18 for such an inspection, the inspector shall obtain the written consent of the child's parent for such assistance.

3. A child assisting in an inspection pursuant to this section shall, if questioned about his age, state his true age and that he is under 18 years of age.

4. If a child is assisting in an inspection pursuant to this section, the person supervising the inspection shall:

(a) Refrain from altering or attempting to alter the child's appearance to make him appear to be 18 years of age or older.

(b) Photograph the child immediately before the inspection is to occur and retain any photographs taken of the child pursuant to this paragraph.

5. The person supervising an inspection using the assistance of a child shall, within a reasonable time after the inspection is completed:

(a) Inform a representative of the business establishment from which the child attempted to purchase tobacco or products made from tobacco that an inspection has been performed and the results of that inspection.

(b) Prepare a report regarding the inspection. The report must include the following information:

(1) The name of the person who supervised the inspection and the position held by him;

(2) The age and date of birth of the child who assisted in the inspection;

(3) The name and position of the person from whom the child attempted to purchase tobacco or products made from tobacco;

(4) The name and address of the establishment at which the child attempted to purchase tobacco or products made from tobacco;

(5) The date and time of the inspection; and

(6) The result of the inspection, including whether the inspection resulted in the sale, distribution or offering for sale of tobacco or products made from tobacco to the child.

6. No civil or criminal action based upon an alleged violation of NRS 202.2493 or 202.2494 may be brought unless a test for compliance has been conducted in accordance with the provisions of this section.".

Amend sec. 4, pages 2 and 3, by deleting lines 45 through 48 on page 2 and lines 1 through 3 on page 3 and inserting:

"Sec. 4. *The attorney general shall compile the results of inspections performed pursuant to section 3 of this act during the immediately preceding fiscal year as is necessary to prepare and submit a report pursuant to 42 U.S.C. § 300x-26(b)(2)(B).*".

Amend sec. 5, page 3, line 9, by deleting "*individually or*" and inserting "*or not*".

Amend sec. 7, page 4, line 25, by deleting "*photographic identification*" and inserting "*driver's license*".

Amend sec. 7, page 4, by deleting line 33 and inserting: "*subsection 2 if he:*

(a) Had no actual knowledge of the sale; and

(b) Establishes and carries out a continuing program of training".

Amend sec. 7, page 4, line 37, by deleting "*county*" and inserting "*state*".

Amend the bill as a whole by deleting sec. 9 and renumbering sec. 10 as sec. 9.

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to tobacco; requiring the attorney general to".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblymen Humke, Evans, Ernaut and Freeman.

Potential conflict of interest declared by Assemblyman Ohrenschall.

Amendment adopted.

Assemblyman Ernaut moved that Assembly Bill No. 622 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Senate Bill No. 324.

Bill read second time and ordered to third reading.

Senate Bill No. 337.

Bill read second time and ordered to third reading.

Senate Bill No. 483.

Bill read second time and ordered to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 24, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 13, 236, 246, 253, 287, 316, 334, 336, 338, 378, 399, 407, 425, 439, 461, 512, 530, 537, 542, 549, 555, 560, 575, 629, 641, 642, 644, 669, 673, 677, 690, 692, 704.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 4, 438, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 34, 40; Assembly Joint Resolution No. 26 of the 67th Session; Assembly Joint Resolution No. 35 of th 67th Session.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 39.

MARY JO MONGELLI
Assistant Secretary of the Senate

Assemblyman Bache moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:01 p.m.

ASSEMBLY IN SESSION

At 3:51 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 561, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 561 be placed on the Second Reading File.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 435.

The following Senate amendment was read:

Amendment No. 978.

Amend sec. 2, page 1, by deleting lines 21 and 22 and inserting: "holder of any right, whether it is an adjudicated right, an unadjudicated right,".

Amend sec. 2, page 2, line 2, by deleting "*If*" and inserting: "*For water rights in basins for which the state engineer keeps pumping records, if*".

Amend sec. 2, page 2, line 4, by deleting: "*a water right*" and inserting: "*such a water right which is*".

Amend sec. 2, page 2, by deleting line 5 and inserting: "*the owner of the water right, as determined in the records of the office of the state engineer, by registered or certified mail that he*".

Amend sec. 2, page 2, line 18, after "final." by inserting: "*The failure to receive a notice pursuant to this subsection does not nullify the forfeiture or extend the time necessary to work the forfeiture of a water right.*".

Amend sec. 2, page 2, lines 19 and 20, by deleting: "[holder] *owner of record*" and inserting "holder".

Amend sec. 2, page 2, line 27, by deleting: "[holder] *owner of record*" and inserting "holder".

Amend sec. 2, page 2, line 31, by deleting: "[holder;] *owner of record;*" and inserting "holder;".

Amend sec. 2, page 2, lines 32 and 33, by deleting: "[holder] *owner of record*" and inserting "holder".

Amend sec. 2, page 2, line 34, by deleting: "[holder] *owner of record*" and inserting "holder".

Amend sec. 2, page 2, by deleting lines 36 through 38 and inserting: "*The state engineer shall notify, by registered or certified mail, the owner of the water right, as determined in the records of the office of the state engineer, of whether he has granted or denied the holder's request for an extension pursuant to this subsection.*".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Section 8 of Senate Bill No. 93 of this session is hereby amended to read as follows:

Sec. 8. NRS 533.425 is hereby amended to read as follows:

533.425 1. As soon as practicable after satisfactory proof has been made to the state engineer that any application to appropriate water or any application for permission to change the place of diversion, manner or place of use of water already appropriated has been perfected in accordance with the provisions of this chapter, the state engineer shall issue to the holder of the permit [, his assign or assigns,] a certificate setting forth:

(a) The name and post office address of the [appropriator, his assign, or assigns.] *holder of the permit.*

(b) The date, source, purpose and amount of appropriation.

(c) If for irrigation, a description of the irrigated lands by legal subdivisions, when possible, to which the water is appurtenant.

(d) The number of the permit under which the certificate is issued.

2. If the water is appropriated from an underground source, the state engineer shall issue with the certificate a notice of the provisions governing the forfeiture and abandonment of such water rights. The notice must set forth the provisions of NRS 534.090.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 435.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 93.

The following Senate amendment was read:

Amendment No. 946.

Amend section 1, page 1, by deleting lines 18 through 20 and inserting: "*3. The director*".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Bill No. 93.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 405.

The following Senate amendment was read:

Amendment No. 1060.

Amend sec. 2, page 1, by deleting lines 3 and 4 and inserting:

"Sec. 2. *A person who knowingly prepares, advertises or distributes any item or*".

Amend sec. 4, page 2, line 7, by deleting "*sex.*" and inserting: "*sex and which does not have serious literary, artistic, political or scientific value.*".

Amend sec. 5, page 2, line 13, after "*entices*" by inserting ", *coerces*".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Bill No. 405.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 319.

The following Senate amendment was read:

Amendment No. 958.

Amend sec. 2, page 1, line 13, by deleting: "proceedings. If [an]" and inserting: "proceedings [. If an] , *unless waived. If*".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Bill No. 319.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 493, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY SPITLER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 493 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 561.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1245.

Amend sec. 44, page 14, by deleting lines 1 through 3 and inserting:

"657.016 "Bank," "commercial bank," "banking company" or "banking corporation" refers to corporations or limited-liability companies, whether chartered by [the state] *this state, another state* or the United States, conducting the business of receiving money as demand".

Amend sec. 46, page 14, line 16, after "director" by inserting "or manager".

Amend sec. 46, page 14, by deleting line 18 and inserting: "owner of stock of the bank or its [bank] holding company, or has a member's interest in the bank. The stock or interest owned".

Amend sec. 46, page 14, line 20, after "stock" by inserting "or interest".

Amend sec. 46, page 14, line 21, by deleting "person" and inserting "owner".

Amend sec. 46, page 14, line 22, after "stock" by inserting: "or the member's contribution".

Amend sec. 46, page 14, line 26, after "directors" by inserting "or managers".

Amend sec. 46, page 14, line 27, after "directors" by inserting "or managers".

Amend sec. 47, page 14, line 33, by deleting "corporations," and inserting: "corporations and limited liability companies,".

Amend sec. 47, page 14, line 34, by deleting "directors" and inserting "directors, managers".

Amend sec. 47, page 15, lines 13 and 14, by deleting "expansion, which" and inserting "expansion. This".

Amend sec. 47, page 15, by deleting line 23 and inserting: "3. This section does not prohibit any".

Amend sec. 48, page 15, by deleting lines 33 and 34 and inserting: "bank or other organization, and no officer, employee or agent of such an organization, acting on its behalf, may be appointed to act as fiduciary by any".

Amend sec. 48, page 15, by deleting line 36 and inserting: "requirements of law, the bank or other organization:".

Amend sec. 48, page 15, line 42, by deleting "banking corporation" and inserting "bank".

Amend sec. 48, page 15, line 47, by deleting "banking corporations," and inserting "banks,".

Amend sec. 63, page 20, line 35, by deleting "stockholders" and inserting: "stockholders, or managers and members,".

Amend sec. 63, page 20, line 37, after "stockholders" by inserting "or members".

Amend sec. 63, page 20, line 38, after "stock" by inserting: "or members' interests".

Amend sec. 63, page 21, by deleting line 5 and inserting: "*and stockholders or the managers and members of the depository institution or the stockholders of the holding company regarding*".

Amend sec. 63, page 21, by deleting line 7 and inserting: "*the stockholders or members of each depository institution or the stockholders of each holding company must set*".

Amend sec. 63, page 21, line 8, after "*stock*" by inserting: "*or members' interests*".

Amend sec. 63, page 21, line 18, after "stockholders" by inserting "or members".

Amend sec. 63, page 21, by deleting line 45 and inserting:

"*(b) The applicant, its executive officers, directors, managers, principal stockholders or members*".

Amend sec. 63, page 22, by deleting line 1 and inserting: "*the depositors, other customers, creditors, shareholders or members of an institution, or*".

Amend sec. 63, page 22, line 24, after "stockholder" by inserting "or member".

Amend sec. 63, page 22, line 26, by deleting: "and that stockholder," and inserting "and,".

Amend sec. 63, page 22, by deleting line 29 and inserting: "*depository institution* payment for his shares or interest, the surviving, consolidated or".

Amend sec. 63, page 22, by deleting line 31 and inserting: "to the stockholder or member the fair cash value of his shares or interest as of the day before the".

Amend sec. 64, page 22, by deleting line 46 and inserting: "voting stock of, or members' interests in, a bank;".

Amend sec. 64, page 22, line 47, after "directors" by inserting "or managers".

Amend sec. 64, page 23, line 2, by deleting "of" and inserting: "of, or members' interests in,".

Assemblyman Allard moved the adoption of the amendment.

Remarks by Assemblyman Allard.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 493.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 458 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 458.

Bill read third time.

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

Amendment No. 1295.

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

"Sec. 6.5. *1. Any employee:*

(a) Who was injured by an accident arising out of and in the course of his employment before January 6, 1994, and whose claim is open; or

(b) Whose claim has been reopened pursuant to NRS 616.545,

shall participate in a plan for managed care established by the system in accordance with the regulations adopted for this purpose by the manager.

2. If the manager enters into a contract with an organization for managed care or renews such a contract on or after July 1, 1995, the contract must require the organization for managed care to provide, in accordance with standards established for this purpose by the manager, services to injured employees insured by the system who have not otherwise been required to participate in a plan for managed care. The contract may not require such an injured employee to change from his treating physician or chiropractor to another physician or chiropractor in order to receive compensation or benefits, unless his treating physician or chiropractor refuses to accept:

(a) If the physician or chiropractor is a member of one organization for managed care, the terms of that organization's plan for managed care.

(b) If the physician or chiropractor is a member of more than one such organization and one of those organizations has entered into a contract with the employer's insurer, the terms of the employer's organization's plan for managed care.

(c) If the physician or chiropractor is not a member of any organization for managed care or if the provisions of paragraph (b) do not apply, the terms adopted by the manager pursuant to this subsection.

3. If the treating physician or chiropractor of an injured employee refuses to comply with the required terms, as applicable pursuant to subsection 2, the injured employee shall select another physician or chiropractor who agrees to comply with the applicable terms.

4. The provisions of this section do not affect the amount of compensation and benefits to which such an injured employee is otherwise entitled.".

Amend the bill as a whole by deleting sec. 16 and inserting:

"Sec. 16. (Deleted by amendment.)".

Amend sec. 105, page 38, by deleting lines 25 through 30.

Amend the bill as a whole by deleting sections 150 and 151 and inserting:

"Secs. 150 and 151. (Deleted by amendment.)".

Amend the bill as a whole by deleting section 154 and inserting:

"Sec. 154. (Deleted by amendment.)".

Amend sec. 155, page 48, by deleting line 23 and inserting:

"2. Sections 1, 4.5, 5, 6, 6.5, 8, 15, 17, 23 to 32, inclusive, 38, 39, 44, 47,".

Amend sec. 155, page 48, by deleting line 26 and inserting: "137, 146, subsection 1 of section 147, 148, 149, 152 and 153 of".

Assemblyman Nolan moved the adoption of the amendment.

Remarks by Assemblyman Nolan.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 311, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Joint Resolution No. 24, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Joint Resolution No. 24 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Joint Resolution No. 24.

Resolution read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 10, 35, 570; Assembly Resolution No. 14; Senate Bills Nos. 35, 135, 136, 208, 219, 252, 261, 309, 329, 369, 417, 426, 524, 525, 527, 528, 558; Senate Joint Resolutions Nos. 20, 22, 23; Senate Concurrent Resolution No. 38.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Anderson, the privilege of the floor of the Assembly Chamber for this day was extended to Micheline Nadeav.

Assemblyman Ernaut moved that the Assembly adjourn until Sunday, June 25, 1995 at 9 a.m. and that it do so in honor of James Brian Sandoval.

Motion carried.

Assembly adjourned at 4:07 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-FIRST DAY

CARSON CITY (Sunday), June 25, 1995

Assembly called to order at 9:14 a.m.

Speaker Dini presiding.

Roll called.

All present except Assemblyman Nolan, who was excused.

Prayer by the Chaplain, The Reverend Bruce Gebbeken.

In 1 Samuel, Chapter 17, we read of the battle between David, a small boy, slaying Goliath, a giant. Father, sometimes our battles here seem like this also, where those things that have to be done and the problems we have to overcome seem as giants to us. Give us the strength to slay our giants that confront us today. And help us rest in You. Lord, be with our patient families that wait for our safe return from our battlefields.

For it is in Jesus' Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bills Nos. 467, 520, 565, 648, 650; Senate Bills Nos. 154, 401, 474, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 229, 424, 433, 462, 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which were referred Senate Bills Nos. 362, 477, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JAN MONAGHAN, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 636, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 344, 536, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 170, 377, 545, 559, 581, 659, 679, 709; Senate Bills Nos. 308, 458, 543, 561 be placed at the top of the General File.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 9:19 a.m.

ASSEMBLY IN SESSION

At 9:30 a.m.

Mr. Speaker presiding.

Quorum present.

SPECIAL ORDERS OF THE DAY

The hour of 9:30 a.m. having arrived, vetoed Assembly Bill No. 43 of the 68th Session was considered.

Vetoed Assembly Bill No. 43 of the 68th Session.

Bill read.

Governor's message stating his objections read.

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, NEVADA 89710

June 21, 1995

THE HONORABLE JOSEPH DINI and THE HONORABLE LYNN HETTRICK, *Speakers*, Nevada State Assembly, Carson City, Nevada 89710

DEAR ASSEMBLYMAN DINI and ASSEMBLYMAN HETTRICK:

I am herewith forwarding to you, for filing within the Constitutional time limit, and without my approval, Assembly Bill No. 43, entitled:

> An act relating to the Federal Government; clarifying the authority of an officer or employee of the Federal Government to enforce the provisions of the Statutes of Nevada or Nevada Revised Statutes and to exercise the powers of a peace officer in this state; and providing other matters properly relating thereto.

Numerous state, local and federal officials have expressed their concerns about Assembly Bill No. 43 to me. I am persuaded by their arguments that this bill would seriously undermine the current state of cooperation among the various federal, state and local law enforcement agencies and could potentially endanger the public safety of Nevada's citizens and visitors.

Among the most serious concerns expressed by these officials are:

1) Assembly Bill No. 43 creates unacceptable jurisdictional problems for task forces and federal-local cooperative arrangements that cross county lines. It would eliminate the ability of federal law enforcement officers or employees to enforce laws relating to a number of serious crimes. Under the Assimilative Crimes Act, the United States currently relies on state laws when there is no specific federal prohibition. Assembly Bill No. 43 would tie the hands of these federal employees trying to protect the public on federal lands.

2) Currently, federal rangers and agents routinely help state and local law enforcement efforts with both manpower and equipment. This bill would create potential liability for a

federal peace officer who comes to the assistance of a trooper, county officer, brand inspector or a citizen in a remote area of Nevada without an existing cooperative agreement.

3) Under the bill, the state agencies would be prohibited from entering into a cooperative agreement with federal agencies for law enforcement; all the current cooperative agreements would be void. This would result in a lack of public safety coverage.

Assembly Bill No. 43 creates confusion, uncertainty and potential animosity in an arena which needs cooperation and assistance.

Sincerely,
BOB MILLER
Governor

The question was put: "Shall the bill pass, notwithstanding the objections of the Governor?"

Remarks by Assemblymen Carpenter, Marvel, Humke, Allard, Sandoval and Perkins.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. It seems the theme for this session has been perception versus reality. We have all heard this term in conjunction with various issues. This bill, once again, presents the theme of the perception of what this bill would do, and the reality of what this bill will do.

My remarks will be threefold. First, I will explain why I asked for this bill. Second, I will explain what the bill does and does not do. Third, I will address the Governor's veto message.

Why did I ask for this bill? The answer is in the title to the bill. It says, "Clarifies the authority of the Federal Government to enforce state laws." On February 16, 1994, the U.S. Forest Service issued a proposed regulation that was published in the Federal Register. What this regulation proposed to do was to authorize the Forest Service to make arrests on public lands and to enforce state and local laws.

In response to this federal rule, Elko County Sheriff Neil Harris said he did not agree with the charge that his office lacked the resources to protect the county's citizens on public lands. He also said that the Elko County Sheriff's Department had been patrolling forest service areas, including Lamoille Canyon, for a number of years under an agreement with the agency. The system seems to work well.

Mr. Harris also said, "We go out (to investigate) any crime on forest service land, serious or not." Harris added that he opposed empowering the Federal Government to enforce local laws. I'd be concerned if this was going to happen here. They (the federal agents) are trying to get a foothold enforcing local law in rural areas, Harris said. "We're in a better position to do enforcement. We know the people and they know us." This proposed regulation was eventually withdrawn because of the public backlash it created. Representative Barbara Vucanovich was quoted in the *Elko Daily Free Press* concerning this regulation, "I am pleased the regulations are withdrawn. Now, the task is to watch for the inevitable 'second draft' or 'revision.' "

That is why I requested this bill, to avoid this kind of unacceptable federal intervention in matters of state law and to avoid the 'second draft' or 'revisions.' The only time a federal officer should be enforcing our laws is if we have granted them specific authority.

Under NRS 171.1245, an agent of the Federal Bureau of Investigation or the Secret Service may arrest a person without a warrant or arrest a person on a state warrant. We have specifically authorized a limited enforcement of a state provision by a federal officer in that statute.

As some of you may recall, we had a bill last session that would have extended that statute to include the United States Marshals. That bill, Senate Bill No. 2, was rejected by this body. It was appropriate that we decided whether a federal officer should be enforcing state laws, and in that case we said, "No."

That is what this bill is about, it simply clarifies that federal officers should not enforce state laws, unless a specific state or federal law says they can, or they have an agreement with the Sheriff or Chief of Police. As stated in a memorandum from Brenda Erdoes, our legislative counsel, "An officer of the Federal Government does not generally possess the authority to enforce the provisions of the law of a state, unless he has been specifically granted that authority under a federal or state statute."

See, United States versus Tarlowski, 305 F. Supp. (1969): Holding that, in the absence of applicable federal statutes, the extent of the authority of an agent of the Internal Revenue Service depends largely upon the statute or common law of the state in which he operates; Counsel inf., Op, 2 Op. O.l.c. 47 in (1978), the F.B.I.'s own legal counsel stated that the Federal Bureau of Investigation has no authority to take action with respect to violations of state laws, even in exigent circumstances, and any authority to act in such instances must come from state law. Therefore, although the activities of a federal officer or employee are free from regulation by a state, if the officer or employee wishes to engage in activity as a peace officer, he must generally be given that authority pursuant to a specific state or federal statute.

The second part of my remarks is, what would this bill do? I asked for an opinion from the legislative counsel regarding the constitutionality of this bill. The reasons that it is constitutional points out what the bill does. The opinion states that it is the existing law, not in our statute, but the existing case law says, that "an officer of the Federal Government does not generally possess the authority to enforce provisions of the law of a state unless he has been specifically granted that authority under a federal or state statute."

The opinion states as follows: "Accordingly, it is the opinion of this office that because the provisions of Assembly Bill No. 43 merely clarify that an officer or employee of the Federal Government may not enforce any provision of the statutes of Nevada while on public land which is under the control of the Federal Government unless he is authorized to do so pursuant to a specific state or federal statute or pursuant to a cooperative agreement with a Sheriff or Chief of Police. The provisions of Assembly Bill No. 43 are constitutional and provide the mechanism for granting such authority."

The perception of what this bill would do has distorted the reality of what this bill would do in the real world. As related by Elko County Sheriff, Neil Harris, he already patrols forest service areas under arrangement with the agency. Speaking with White Pine County Sheriff, Bernie Romero, and a representative of the Washoe County Sheriff's Office, confirms the same arrangement. They patrol forest service areas under cooperative agreement and would continue this arrangement as provided for in Assembly Bill No. 43.

New accounts have purported that under Assembly Bill No. 43, law enforcement on Indian reservations would be hindered. This is pure poppycock. Local law enforcement officers do not arrest Indians on reservations or colonies. They do, however, back up Indian police in emergencies. Indian police do not arrest non-Indians on Tribal lands except in emergencies. They call on the county sheriff to arrest the non-Indians. These cooperative agreements will continue under Assembly Bill No. 43 provided the B.I.A. and County Sheriffs believe the arrangements are proper policy.

In talking with highway patrol personnel, they often use the expertise and resources of federal agencies, especially in complicated cases. This is as it should be. They do not, however, want federal agents patrolling the highways on a regular basis. The highway patrol is the agency empowered to enforce state statute and any increase of federal police power on our highways would be met with great resistance by the citizens of Nevada.

The Clark County Sheriff did testify against Assembly Bill No. 43 in the Senate. However, he later brought an amendment to Assembly Bill No. 43, which I presumed satisfied his objections.

The Governor's Press Secretary, Richard Urey, made the most irresponsible statement of all by inferring that Assembly Bill No. 43 would prevent a park ranger from rescuing a child left in a hot car at Hoover Dam's Visitors Center, and furthermore, it would enable the culprit "simply to drive away."

If Mr. Urey, the park ranger, myself or anyone at the scene did not rescue the child and arrest the culprit, either as a peace officer or as a private citizen with power of citizens arrest, we are all derelict in our duties as citizens of this great state.

I will briefly respond to the veto message from the Governor. First, the Governor contends that the bill would tie the hands of federal officers because they rely on state laws if there is no applicable federal law. This is contrary to what I believe and what my constituents believe. We believe that the Federal Government is not, and should not, be enforcing state laws. If there is no federal law in existence then the Federal Government ought to deal with that through the provisions of Assembly Bill No. 43. There are so many federal laws out there, that I find it hard to believe they don't have a law that covers every conceivable situation. In any event that is a federal problem, which Assembly Bill No. 43 would help to correct.

Second, the Governor states that this measure may cause potential liability for federal officers who assist state officers in remote areas of Nevada. Since this law simply clarifies the existing case law, I do not see how it gives rise to additional liability.

Finally, the Governor asserts that state agencies would be prohibited from entering into cooperative agreements with federal officers and this would hinder cooperation. Again, this bill only clarifies the existing case law, and as I have stated, myself and my constituents do not want federal officers enforcing state laws unless a specific state or federal statute authorizes that or there is an agreement with the Sheriff or Chief of Police. Assembly Bill No. 43 provides the vehicle that will continue the cooperation among our law enforcement agencies. Without Assembly Bill No. 43, there is a real question of whether such cooperation can continue.

In conclusion, I urge you to override the Governor's veto and stand on the side of reality, not perception.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I rise in support of my colleague from Assembly District 33 in asking this body to override the Governor's veto on Assembly Bill No. 43. To me this is clearly a "state's rights" issue. Pure and simply.

The veto message does not state what the bill actually does. It does prohibit federal encroachment in areas where state and local jurisdiction should be the binding force. So, if you read subsection 2 very closely it does not preclude local agencies or state agencies from entering into these local agreements with our federal agencies.

Secondly, this word was the first thing that disturbed me when the first regulation came out. It said "employees," that means the rank and file of the Forest Service or the BLM or any other federal agency would have these powers and these people are not trained like our people are. So, again, I say that this is a "state's rights" issue and I hope that you will support us in overriding this veto.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I rise in support of the veto override. The Chief Executive has set out three different rationales for the veto. I think the key is in point number one of the June 21 writing; point number one, near the bottom of the page. Assembly Bill No. 43 creates unacceptable jurisdictional problems for task forces, federal and local cooperative arrangements that cross county lines.

I would agree that it does create jurisdictional problems for a State's Chief Executive and certainly for the federal agencies that wish to have the authority to enforce the state laws outside their federal jurisdiction. I do not agree that it is unacceptable. All that is needed is for this Legislature to pass appropriate legislation and, perhaps, the Chief Executive himself could enter into an executive order directing those agencies to negotiate the agreements with the federal agencies.

This leads directly into the Chief Executive's point number two, at the second page of the message, where it is set out that the federal agencies often need to and wish to assist state troopers, county officers, brand inspectors or citizens; citizens as was alluded to by the previous speaker from Elko, may need assistance or may be making a citizen's arrest.

I think that this Legislature knows that many of these people are friends of ours. The State Head Brand Inspector is a long-standing friend of mine, but if he needs the assistance of a federal officer, that ought to be supported by state statute. The ability to cooperate ought to be supported by a state statute or an executive order.

The third point made by the Chief Executive, I believe is the key, where it is stated that the state agencies would be prohibited from entering into cooperative agreements with law

enforcement agencies. All that is needed is a few specific statutes, the Chief Executive cites troopers and state brand inspectors. Those are the only two federal agencies cited that could be taken care of in one bill, that could be passed in three hours by this Legislature as companion to Assembly Bill No. 43.

As the previous speaker from Elko cited, under agravating circumstances, a federal agent can still make an arrest, and still take the action. This would be in a hot pursuit situation where there is a fresh crime scene which shows a murder or shows that there is a child in danger. I guess that is the main thing I see about this veto message, and I want the members to make no mistake, there is no citation of constitutional problem. There is no constitutional problem with Assembly Bill No. 43.

A bill that passed this Assembly, and the committee unanimously, had a slight change in the Senate. A change in which this body agreed. The Chief Executive does not and cannot cite a constitutional problem with this bill. This bill simply makes it inconvenient for the Chief Executive. This is not the same thing as unconstitutional.

Mr. Speaker, I will go into two additional areas briefly. I think that the way that this bill is being styled, the issue is being styled as a rural issue. Members need only to look at the issue, look behind it and say, "Well, it is a rural issue." It affects Elko County, the Elko County Sheriff, and maybe, a certain local official's nose is out of joint in way-out eastern Nevada. "It's just a rural issue." Those of you from Reno and Las Vegas, make no mistake. It could happen to you. It could happen to you in a heartbeat where some of your legislation could be vetoed based on the same theory. Not on constitutional grounds, but based on convenience.

Finally, the last theory that I would like to go into is the area of federalism and respect for all levels of government. This veto message does the Federal Government a huge favor. In fact, this is a situation where this state is doing the bidding of the Federal Government. In essence it says, "Please slap more mandates on us. Please tell us how to run our own law enforcement in our state, our counties and other political subdivisions. Because, to do otherwise, would be inconvenient."

I do not want to go into a whole lecture on federalism. The basic concept of federalism is that there is respect by one level of government for all other levels of government. In other words, the Federal Government ought to respect state governments as well as local government and vice versa. Thank you, very much.

ASSEMBLYMAN ALLARD:

Thank you, Mr. Speaker. I would just like to ask the question, who knows more about how to enforce Nevada's laws, the laws that we make, than Nevadans?

There has been a lot of talk this session about separation of powers between different branches of our state government. But, I believe this measure clarifies certain aspects of our relationship between our Federal Government and our state government. I do not want the federal agents coming to our state and enforcing our laws. To not have this measure, in essence, is saying that we can't handle our own affairs. I believe that we can. I hope that this body shares that belief. This bill passed out of this house unanimously just a short time ago. I submit to you today that nothing has changed since that time. We still have the ability to enforce our laws and enter into an agreement with the Federal Government when we feel that it is appropriate. I urge you to make this bill a law and not erode our state's power any further. Thank you, Mr. Speaker.

ASSEMBLYMAN SANDOVAL:

Thank you, Mr. Speaker. I rise in support of the override of the veto of Assembly Bill No. 43. Rather than create confusion, uncertainty and potential animosity, the bill will encourage state and local law enforcement to work hand-in-hand to fight crime and to help development of agreements between these agencies.

With the passage of this bill, federal and local law enforcement will be more familiar with each other's procedures resulting in improved protection for Nevada's citizens and visitors. Assembly Bill No. 43 is a good simple bill. It will enhance public safety at a time when all of us are demanding more weapons to fight crime. Therefore, I urge this body to override the veto of Assembly Bill No. 43. Thank you, Mr. Speaker.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. Mr. Speaker, I rise in opposition to overriding the Governor's veto on Assembly Bill No. 43. Yes, I voted for this bill early in the session as did everyone else in this house. I regret that mistake. Of all people, I should have recognized the flaws that Assembly Bill No. 43 drew in its drafting. It saw no opposition in committee.

My good friend from Elko told us that the bill didn't really do anything but codify what is occurring today. I would respectfully disagree.

This bill addresses peace officers sworn to uphold the law. It addresses their ability to do their law enforcement jobs. Crime is the most pressing issue facing our state today. Federal, state, and local law enforcement authorities are working together to provide the safety that our citizens demand and deserve. They are law enforcement officers regardless of where their pay comes from. They are men and women just like you and me. The only difference between them and me is who their employer is. This bill undermines the unspoken cooperation that is shared by members of the law enforcement profession, sworn under the Constitution and given the best training to enforce the law.

We have heard that our officers receive P.O.S.T. training and that federal officers, perhaps, aren't trained quite as well. I can only tell you that is absolutely not the case. Federal law enforcement officers have the ability and access much finer training than our state police officers do.

On November 25, 1994, a brutal robbery and murder occurred at a restaurant in Henderson. A group of Henderson Police Investigators worked tirelessly for weeks without being able to solve this crime. It was the sudden involvement of a special agent of the local office of the FBI that broke that case. Five people were arrested and charged with crimes such as robbery, burglary, coercion, kidnapping, murder and others. This was a brutal crime in which a federal law enforcement agency proved instrumental in its solving. This is but one example of thousands, Mr. Speaker, of how federal law enforcement helps local law enforcement.

This cooperation has been spelled out in written agreements between state and federal agencies. These agreements provide for cooperation and backup for both state and federal law enforcement personnel. These agreements have worked well. If we adopt this law, we will invalidate the agreements where they exist with the county and not specifically with the local Sheriff or Chief of Police.

The sponsors of this bill intended it to be a state's rights issue. But, when it is examined closely, it is not about state's rights. A United States Attorney has warned that prohibiting federal agents from arresting people for state crimes would turn our public lands into a safe harbor for criminals.

We Nevadans use those lands for work and for pleasure. It is in Nevadans' own best interest to do everything possible to make them safe from crime, not safe for criminals. Every member of this house has promised his or her constituents that we will be "tough on crime." We can't be "tough on crime" if we're going to make it tougher for law enforcement officers to do their jobs.

I have heard an explanation by the prime sponsor of what he believes the bill does. That interpretation is not shared by the local law enforcement community. They did testify in the Senate against Assembly Bill No. 43. As this body recognizes, perception is reality, particularly when it comes to public safety.

I apologize for not seeing and understanding the flaws in this bill before we passed it out. I do appreciate that it was caught by the Governor so that it could be addressed. I urge this body to sustain this veto so as to allow local, state and federal law enforcement to provide the best blanket of security possible for your family, my family and all citizens of this great state. Thank you, Mr. Speaker.

The roll was called, and the Assembly sustained the veto of the Governor by the following vote:

YEAS—23.

NAYS—Anderson, Arberry, Bache, Buckley, Chowning, Evans, Freeman, Giunchigliani, Goldwater, Krenzer, Manendo, Ohrenschall, Perkins, Price, Schneider, Segerblom, Spitler, Williams—18.

Absent—Nolan.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 68, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 708, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bills Nos. 231, 349, 378, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 490, 520, 636, 648, 650; Senate Bills Nos. 68, 154, 229, 344, 362, 401, 424, 433, 462, 474, 475, 477, 536 be placed on the Second Reading File.

Motion carried.

Assemblyman Anderson moved that Assembly Bill No. 633 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Chowning moved that Assembly Bill No. 708 be re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Concurrent Resolution No. 46.

Assemblyman Carpenter moved the adoption of the resolution.

Remarks by Assemblyman Carpenter.

Resolution adopted, as amended.

Senate Concurrent Resolution No. 20.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted, as amended.

SECOND READING AND AMENDMENT

Senate Bill No. 311.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1235.

Amend sec. 4, page 2, line 26, after "revise" by inserting "and clarify".

Amend sec. 5, page 2, line 38, by deleting "revise" and inserting: "revises and clarifies".

Amend the bill as a whole by renumbering sections 9 and 10 as sections 10 and 11 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

On and after July 1, 1995, in administering the provisions of section 61.5 of chapter 397, Statutes of Nevada 1955, which is included in NRS as NRS 372.317, the department shall:

1. Not enforce any restriction on the applicability of the exemption provided therein which would violate the United States Constitution.

2. Apply the exemption to all types of sales to air carriers including both indirect sales to an entity which purchases the aircraft or major components of an aircraft for lease to and use by an air carrier that otherwise qualifies for the exemption and direct sales to air carriers.".

Amend sec. 10, page 3, by deleting lines 34 through 36 and inserting:

"Sec. 11. This act becomes effective on July 1, 1995.".

Amend the title of the bill by deleting the second and third lines and inserting: "question whether the Sales and Use Tax Act of 1955 should be amended to revise and clarify the provisions governing the exemption for aircraft and parts of aircraft; clarifying the provisions governing the administration of the existing exemption for aircraft and parts of aircraft; contingently".

Amend the summary of the bill, second line, by deleting "aircraft." and inserting: "aircraft, similarly revises provisions governing certain analogous taxes and clarifies provisions governing administration of existing exemption.".

Assemblyman Stroth moved the adoption of the amendment.

Remarks by Assemblyman Stroth.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 490.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1177.

Amend the bill as a whole by deleting sections 1 to 19, inclusive, and the leadlines of repealed sections and adding new sections designated sections 1 through 3, following the enacting clause, to read as follows:

"Section 1. NRS 364A.140 is hereby amended to read as follows:

364A.140 1. A tax is hereby imposed upon the privilege of conducting business in this state. The tax for each calendar quarter is due on the last day of the quarter and must be paid on or before the last day of the month immediately following the quarter on the basis of the total number of equivalent full-time employees employed by the business in the quarter.

2. The total number of equivalent full-time employees employed by the business in the quarter must be calculated pursuant to NRS 364A.150.

3. Except as otherwise provided in NRS 364A.152 and 364A.170, the amount of tax due per quarter for a business is $25 for each equivalent full-time employee *over five* employed by the business in the quarter. *No tax is due for a business which during the quarter employed five or less equivalent full-time employees. Any such business shall file reports at such times and in such form as is prescribed by the department for verification of the number of equivalent full-time employees of the business.*

4. Each business *that employs more than five equivalent full-time employees* shall file a return on a form prescribed by the department with each remittance of the tax. If the payment due is greater than $1,000, the payment must be made by direct deposit at a bank in which the state has an account, unless the department waives this requirement pursuant to regulations adopted by the commission. The return must include a statement of the number of equivalent full-time employees employed by the business in the preceding quarter and any other information the department determines is necessary.

5. The commission shall adopt regulations concerning the payment of the tax imposed pursuant to this section by direct deposit.

Sec. 2. 1. On or before August 31, 1996, the chief of the budget division of the department of administration shall determine for the fiscal year ending June 30, 1996, the actual revenues collected from taxes, fees and other charges for:

(a) General, unrestricted uses of the state, and not for special purposes;

(b) The distributive school account in the state general fund created pursuant to NRS 387.030; and

(c) Local support of public schools pursuant to NRS 387.1235,

and report the amount so determined to the state board of examiners.

2. If the state board of examiners finds that the amount reported pursuant to subsection 1 exceeds the combined projection of revenue for those purposes used by the legislature in the enactment of the state budget for fiscal year 1995-96 by $11,000,000 or more, the state board of examiners shall immediately notify the chief of the budget division of the department of administration and the executive director of the department of taxation that the provisions of section 1 of this act become effective on October 1, 1996.

3. The executive director of the department of taxation, after receiving notification from the board of examiners pursuant to subsection 2, shall notify all persons subject to the business tax pursuant to chapter 364A of NRS that the provisions of section 1 of this act will become effective for the quarter beginning on October 1, 1996.

Sec. 3. Section 1 of this act becomes effective if, and only if, an affirmative finding is made by the state board of examiners pursuant to subsection 2 of section 2 of this act.''.

Amend the title of the bill to read as follows:

"An Act relating to taxation; contingently reducing the basis on which the business tax is calculated; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Contingently reduces basis of computation of business tax. (BDR 32-1459)".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Assemblyman Price moved that Assembly Bill No. 490 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 10:19 a.m.

ASSEMBLY IN SESSION

At 11:30 a.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 621, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 283, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 732, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 333, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Labor and Management, to which was referred Assembly Bill No. 710, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDI KRENZER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 15, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 571.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 126, 234, 358, 491, 501, 506, 516, 560.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 520.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1289.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 3, by deleting lines 1 and 2 and inserting "*assistance if:*".

Amend sec. 2, page 3, by deleting lines 7 and 8 and inserting:

"*(c) The damages are reasonably related to or primarily caused by a lack of prenatal care received by the woman.*".

Amend the bill as a whole by deleting sections 3 and 4 and renumbering sections 5 through 8 as sections 2 through 5.

Amend sec. 5, page 4, line 28, by deleting "[40] *80*" and inserting "40".

Amend sec. 5, page 4, line 29, by deleting "*80*" and inserting "*60*".

Amend sec. 5, page 4, line 33, by deleting "[40] *80*" and inserting "40".

Amend sec. 5, page 4, line 34, by deleting "*80*" and inserting "*60*".

Amend sec. 6, page 5, between lines 2 and 3, by inserting: "*A screening panel may summarily dismiss a complaint which is filed without an affidavit submitted by a medical expert as required pursuant to this subsection.*".

Amend sec. 6, page 5, by deleting lines 8 through 13 and inserting: "21 days after he receives the answer. The panel shall disregard any portion of the response that does not address an allegation raised in the answer or an affidavit accompanying the answer.".

Amend the bill as a whole by deleting sections 9 and 10 and renumbering sec. 11 as sec. 6.

Amend sec. 11, page 8, line 28, by deleting "*4,*" and inserting "*2,*".

Amend sec. 11, page 8, by deleting lines 35 through 48.

Amend sec. 11, page 9, line 1, by deleting "*4.*" and inserting "2.".

Amend sec. 11, page 9, by deleting lines 8 through 36 and inserting: "*benefit. The amount so reduced must not include any amount for which*

there is a right of subrogation to the rights of the claimant if the right of subrogation is exercised by serving a notice of lien on the claimant before the settlement of or the entry of judgment in the action.

3. If future economic damages are awarded in an action for medical malpractice, the award must be paid, at the election of the claimant:

(a) In a lump sum which has been reduced to its present value as determined by the trier of fact and approved by the court; or

(b) Subject to the provisions of subsection 5, by an annuity purchased to provide periodic payments.

As used in this subsection, "future economic damages" includes damages for future medical treatment, care or custody, and loss of future earnings.

4. If the claimant elects to receive periodic payments pursuant to paragraph (b) of subsection 3, the award must not be reduced to its present value. The amount of the periodic payments must be equal to the total amount of all future damages awarded by the trier of fact and approved by the court. The period for which the periodic payments must be made must be determined by the trier of fact and approved by the court. Before the entry of judgment, each party shall submit to the court a plan specifying the recipient of the payments, the amount of the payments and a schedule of periodic payments for the award. Upon receipt and review of the plans, the court shall specify in its judgment rendered in the action the recipient of the payments, the amount of the payments and a schedule of payments for the award.

5. If an annuity is purchased pursuant to paragraph (b) of subsection 3, the claimant shall select the provider of the annuity. Upon purchase of the annuity, the claimant shall:

(a) Execute a satisfaction of judgment or a stipulation for dismissal of the claim with prejudice; and

(b) Release forever the defendant and his insurer, if any, from any obligation to make periodic payments pursuant to the award.".

Amend sec. 11, page 9, line 37, by deleting "*8.*" and inserting "*6.*".

Amend sec. 11, page 10, by deleting lines 6 through 9 and inserting: "*(b) "Medical malpractice" has the meaning ascribed to it in NRS*".

Amend the bill as a whole by adding new sections designated sections 7 through 9, following sec. 11, to read as follows:

"Sec. 7. 1. The interim finance committee is hereby directed to contract with an independent organization to conduct a study of claims in actions for medical malpractice filed in this state for the period beginning on January 1, 1985, and ending on December 31, 1995. The contract must be awarded after providing notice to members of the general public requesting proposals for conducting the study and must be awarded on or before September 1, 1995.

2. The study must include, without limitation, an analysis of the following subjects for the period beginning on January 1, 1985, and ending on December 31, 1995:

(a) All open and closed claims for medical malpractice filed during that period against physicians and surgeons in this state.

(b) All reports of medical malpractice filed during that period, regardless of whether a claim was filed.

(c) Specific data for each claim specified in paragraph (a) including:

(1) The cause of the loss;

(2) A description of the injury for which the claim was filed;

(3) The sex of the injured person;

(4) The names and number of defendants in each claim;

(5) The names and provisions of coverage of each insurer involved in the claim;

(6) The amount of reserves of an insurer before and after each such claim and the general allocation of the insurer's reserves and surplus;

(7) The disposition of each claim;

(8) The amounts of money awarded through settlement or by verdict;

(9) The sums of money paid to each claimant and the source of those sums; and

(10) Any sums of money allocated to expenses for adjustment of losses.

(d) The amount of premiums charged for medical malpractice insurance and specific reasons for any increases or decreases in those premiums.

(e) The frequency and severity of claims specified in paragraph (a).

(f) The claims for medical malpractice submitted to a screening panel created pursuant to NRS 41A.019.

(g) The amount of attorneys' fees and legal costs relating to claims specified in paragraph (a).

3. The independent organization selected to conduct the study shall provide to the interim finance committee such periodic reports of the organization's progress concerning the study as are required by the committee.

4. The study required pursuant to this section must be completed on or before September 1, 1996, and a written report thereof submitted to the governor, the interim finance committee and the chairmen of the senate and assembly standing committees on judiciary for the immediately preceding session of the legislature.

Sec. 8. 1. There is hereby appropriated from the state general fund to the interim finance committee the sum of $75,000 for conducting the study required pursuant to section 7 of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after September 1, 1996, and reverts to the state general fund as soon as all payments of money committed have been made.

Sec. 9. 1. This section and sections 7 and 8 of this act become effective on July 1, 1995.

2. Sections 1 to 6, inclusive, of this act become effective on October 1, 1995.".

Amend the title of the bill to read as follows: "An Act relating to civil actions; revising the immunity from liability for civil damages provided for certain persons who provide emergency obstetrical care; providing such immunity to certain persons who provide medical care to indigent persons;

revising the provisions governing the reduction and payment of an award for damages in certain actions for medical malpractice; requiring the interim finance committee to conduct a study of claims for medical malpractice filed during a certain period; making an appropriation; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Potential conflicts of interest declared by Assemblymen Braunlin and Tiffany.

Conflicts of interest declared by Assemblymen Goldwater and Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 636.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1283.

Amend section 1, page 1, by deleting lines 3 through 9 and inserting:

"*1. If a person requests or hires another person to conduct a persuasive poll by telephone or hires a person to produce automated or computerized messages by telephone to conduct a persuasive poll concerning a candidate or ballot measure, the person conducting the poll shall, before beginning the poll, disclose the name of the candidate, political party, caucus or committee for political action that initially requested or paid for the poll.*

2. As used in this section, "persuasive poll" means the canvassing of persons by asking questions or offering information concerning a candidate or ballot measure which are designed to impart information that is negative or derogatory about the candidate, his family or the ballot measure.".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. NRS 294A.410 is hereby amended to read as follows:

294A.410 If it appears that the provisions of NRS 294A.120 to 294A.180, inclusive, 294A.200, 294A.210, 294A.220, 294A.270, 294A.280 or 294A.360, *or section 1 of this act* have been violated:

1. The secretary of state shall report the alleged violation to the attorney general; and

2. A county or city clerk shall report the alleged violation to the appropriate district attorney,

and the attorney general or district attorney to whom the report is made shall cause appropriate proceedings to be instituted and prosecuted in a court of competent jurisdiction without delay.".

Amend the title of the bill to read as follows: "An Act relating to campaign practices; requiring persons who conduct a persuasive poll by telephone or by other electronic means to disclose the name of the person or organization that requested the poll; providing a penalty; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires disclosure of certain information by persons conducting persuasive poll by telephone or other electronic means. (BDR 24-1050)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 648.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1056.

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

"Section 1. NRS 179.1156 is hereby amended to read as follows:

179.1156 *1. The legislature hereby declares that the provisions of NRS 179.1156 to 179.119, inclusive, are intended to be remedial in nature, establishing a procedure to obtain from persons who engage in criminal activity partial reimbursement for the expenses of enforcing the law, preventing crime and treating victims of crime.*

2. Except as otherwise provided in NRS 207.350 to 207.520, inclusive, the provisions of NRS 179.1156 to 179.119, inclusive, govern the seizure, forfeiture and disposition of all property and proceeds subject to forfeiture.".

Amend the title of the bill to read as follows: "An Act relating to criminal procedure; clarifying the intent of the legislature regarding the procedure for the forfeiture of property relating to certain criminal activities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Clarifies intent of legislature regarding procedure for forfeiture of property relating to certain criminal activities. (BDR 14-1623)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 650.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1105.

Amend section 1, page 2, by deleting lines 21 through 24 and inserting: "*orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by*".

Amend section 1, page 2, by deleting lines 28 through 32 and inserting: "*commitments in a foreign country:*

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 6.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning him to his habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.".

Amend section 1, page 2, between lines 39 and 40, by inserting:

"*9. As used in this section, a parent has "significant commitments in a foreign country" if he:*

(a) Is a citizen of a foreign country;

(b) Possesses a passport in his name from a foreign country;

(c) Became a citizen of the United States after marrying the other parent of the child; or

(d) Frequently travels to a foreign country.".

Amend the title of the bill to read as follows: "An Act relating to children; requiring a court to specify in an order for custody of a child that the terms of the Hague Convention apply under certain circumstances; authorizing a court to require a parent who poses an imminent risk of wrongfully removing or concealing a child in a foreign country to post a bond; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes related to orders for custody of child. (BDR 11-630)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 68.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Senate Bill No. 362 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 154.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 860.

Amend section 1, page 1, by deleting lines 3 through 13 and inserting:

"*1. "Representative of an investment adviser" means any person employed by or associated with an investment adviser who:*

(a) Provides advice concerning securities;

(b) Manages accounts or portfolios of clients;

(c) Determines the advice concerning securities that is offered to clients;

(d) Solicits for the sale of investment advice, unless the person is a sales representative licensed pursuant to this chapter;

(e) Sells, offers to sell or negotiates for the sale of investment advice; or

(f) Supervises employees who engage in the activities described in paragraphs (a) to (e), inclusive.

2. The term does not include:

(a) A broker-dealer;

(b) An investment adviser; and

(c) A person employed by or associated with an investment adviser who provides clerical or administrative services.".

Amend sec. 6, page 3, by deleting lines 4 through 22 and inserting:

"90.340 *1.* The following [investment advisers] *persons* are exempt from licensing under NRS 90.330:

[1.] *(a)* An investment adviser who is registered or is not required to be registered as an investment adviser under the Investment Advisers Act of 1940 if:

[(a)] *(1)* Its only clients in this state are other investment advisers, broker-dealers or financial or institutional investors;

[(b)] *(2)* The investment adviser has no place of business in this state and directs business communications in this state to a person who is an existing client of the investment adviser and whose principal place of residence is not in this state; or

[(c)] *(3)* The investment adviser has no place of business in this state and during any 12 consecutive months it does not direct business communications in this state to more than five present or prospective clients other than those specified in [paragraph (a) of this subsection,] *subparagraph (1)*, whether or not the person or client to whom the communication is directed is present in this state; [and

2.] *(b) A representative of an investment adviser who is employed by an investment adviser who is exempt from licensing pursuant to paragraph (a);*

(c) A sales representative licensed pursuant to NRS 90.130 who:

(1) Has passed one of the following examinations administered by the National Association of Securities Dealers, Inc.:

(I) The Uniform Investment Adviser Law examination, designated as the Series 65 examination; or

(II) The examination designated as the Series 66 examination; or

(2) On January 1, 1996, has been continuously licensed in this state as a sales representative for 5 years or more; and

(d) Other investment advisers *and representatives of investment advisers* the administrator by regulation or order exempts.

2. The administrator may, by order or rule, waive the examination required by subparagraph 1 of paragraph (c) of subsection 1 for an applicant or a class of applicants if the administrator determines that the examination is not necessary for the protection of investors because of the training and experience of the applicant or class of applicants.".

Amend sec. 18, page 11, line 32, by deleting "*15*" and inserting "*45*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 229.

Bill read second time and ordered to third reading.

Senate Bill No. 344.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1154.

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 6 as sections 2 through 5.

Amend sec. 4, page 3, line 12, by deleting the brackets.

Amend sec. 4, page 3, line 13, by deleting the brackets.

Amend sec. 4, page 3, line 14, by deleting: "*of continuing education*".

Amend sec. 4, page 3, line 19, by deleting the bracket.

Amend sec. 4, page 3, by deleting line 20 and inserting: "the required educational seminar".

Amend sec. 4, page 3, line 21, by deleting "*education*".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 401.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1258.

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

"Sec. 6.5. *No right of periodic payments of winnings is assignable by a patron, in whole or in part, except that periodic payments may be paid to the estate of a deceased patron or, pursuant to an order of dissolution of marriage entered by a court of competent jurisdiction, to the former spouse of a patron.*".

Amend sec. 9, page 2, line 10, after "inclusive," by inserting: "[and] sections 2, 3 and 4 of [this act,] *Assembly Bill No. 131 of this session,*".

Amend sec. 11, page 2, by deleting lines 30 and 31 and inserting: "fund periodic payments and any other items made deductible as".

Amend sec. 11, page 2, by deleting line 34 and inserting: "losses, except that losses in a contest or tournament conducted in conjunction with an inter-casino linked system may be deducted to the extent of the compensation received for the right to participate in that contest or tournament.".

Amend sec. 11, page 2, line 39, after "(c)" by inserting: "Any portion of the face value of any chip, token or other representative of value won by a licensee from a patron for which the licensee can demonstrate that it or its affiliate has not received cash;

(d)".

Amend sec. 11, page 2, line 41, by deleting "(d)" and inserting "(e)".

Amend sec. 11, page 2, line 42, by deleting "prizes; or" and inserting: "prizes, except for a contest or tournament conducted in conjunction with an inter-casino linked system; or".

Amend sec. 11, page 2, line 43, by deleting "(e)" and inserting "(f)".

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

"Sec. 13. NRS 463.120 is hereby amended to read as follows:

463.120 1. The board and the commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the board and the commission. These records are open to public inspection.

2. The board shall maintain a file of all applications for licenses under this chapter and chapter 466 of NRS, together with a record of all action taken with respect to those applications. The file and record are open to public inspection.

3. The board and the commission may maintain such other files and records as they may deem desirable.

4. Except as otherwise provided in this subsection and subsection 5, all information and data:

(a) Required by the board or commission to be furnished to it under this chapter or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant or licensee;

(b) Pertaining to an applicant's criminal record, antecedents and background which have been furnished to or obtained by the board or commission from any source;

(c) Provided to the members, agents or employees of the board or commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential; [and] *or*

(d) Obtained by the board from a manufacturer, distributor or operator relating to the manufacturing of gaming devices,

are confidential and may be revealed in whole or in part only in the course of the necessary administration of this chapter or upon the lawful order of a court of competent jurisdiction. The board and commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the

government of any foreign country. *Notwithstanding any other provision of state law, such information may not be otherwise revealed without specific authorization by the board or commission.*

5. Before the beginning of each legislative session, the board shall submit to the legislative commission for its review and for the use of the legislature a report on the gross revenue, net revenue and average depreciation of all licensees, categorized by class of licensee and geographical area and the assessed valuation of the property of all licensees, by category, as listed on the assessment rolls.

6. Notice of the content of any information or data furnished or released pursuant to subsection 4 may be given to any applicant or licensee in a manner prescribed by regulations adopted by the commission.

7. The files, records and reports of the board are open at all times to inspection by the commission and its authorized agents.

8. All files, records, reports and other information pertaining to gaming matters in the possession of the Nevada tax commission must be made available to the board and the Nevada gaming commission as is necessary to the administration of this chapter.''.

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

''Sec. 15. NRS 463.3407 is hereby amended to read as follows:

463.3407 1. Any communication or document of an applicant or licensee , *or an affiliate of either,* which is made or transmitted to the board or commission or any of their agents or employees to:

(a) Comply with any law or the regulations of the board or commission;

(b) Comply with a subpoena issued by the board or commission; or

(c) Assist the board or commission in the performance of their respective duties,

is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

2. If such a document or communication contains any information which is privileged pursuant to chapter 49 of NRS, that privilege is not waived or lost because the document or communication is disclosed to the board or commission or any of its agents or employees.

3. Notwithstanding the provisions of subsection 4 of NRS 463.120:

(a) The board, commission and their agents and employees shall not release or disclose any information, documents or communications provided by an applicant or licensee , *or an affiliate of either,* which are privileged pursuant to chapter 49 of NRS, without the prior written consent of the applicant [or licensee,] , *licensee or affiliate,* or pursuant to a lawful court order after timely notice of the proceedings has been given to the applicant [or licensee.] , *licensee or affiliate.*

(b) The board and commission shall maintain all privileged information, documents and communications in a secure place accessible only to members of the board and commission and their authorized agents and employees.

(c) The board and commission shall adopt procedures and regulations to protect the privileged nature of information, documents and communications provided by an applicant or licensee [.] , *or an affiliate of either.*".

Amend the bill as a whole by renumbering sec. 15 as sec. 19 and adding new sections designated sections 17 and 18, following sec. 14, to read as follows:

"Sec. 17. NRS 463.368 is hereby amended to read as follows:

463.368 1. A credit instrument accepted on or after June 1, 1983, and the debt that the credit instrument represents are valid and may be enforced by legal process.

2. A licensee or a person acting on behalf of a licensee may accept an incomplete credit instrument which:

(a) Is signed by a patron; and

(b) States the amount of the debt in figures,

and may complete the instrument as is necessary for the instrument to be presented for payment.

3. A licensee or person acting on behalf of a licensee:

(a) [May accept a credit instrument that is dated later than the date of its execution if that later date is furnished at the time of the execution of the credit instrument by the patron.

(b) May not accept a credit instrument which is incomplete and cannot lawfully be completed to comply with the requirements of NRS 104.3104.

(c)] May accept a credit instrument that is payable to an affiliated company or may complete a credit instrument in the name of an affiliated company as payee if the credit instrument otherwise complies with this subsection and the records of the affiliated company pertaining to the credit instrument are made available to agents of the board upon request.

[(d)] *(b)* May accept a credit instrument either before, at the time, or after the patron incurs the debt. The credit instrument and the debt that the credit instrument represents are enforceable without regard to whether the credit instrument was accepted before, at the time or after the debt is incurred.

4. This section does not prohibit the establishment of an account by a deposit of cash, recognized traveler's check, or any other instrument which is equivalent to cash.

5. If a credit instrument is lost or destroyed, the debt represented by the credit instrument may be enforced if the licensee or person if acting on behalf of the licensee can prove the existence of the credit instrument.

6. A patron's claim of having a mental or behavioral disorder involving gambling:

(a) Is not a defense in any action by a licensee or a person acting on behalf of a licensee to enforce a credit instrument or the debt that the credit instrument represents.

(b) Is not a valid counterclaim to such an action.

7. Any person who violates the provisions of this section is subject only to the penalties provided in NRS 463.310 to 463.318, inclusive. The failure of a person to comply with the provisions of this section or the regulations of

the commission does not invalidate a credit instrument or affect the ability to enforce the credit instrument or the debt that the credit instrument represents.

8. The commission may adopt regulations prescribing the conditions under which a credit instrument may be redeemed or presented to a bank for collection or payment.

Sec. 18. NRS 463.3715 is hereby amended to read as follows:

463.3715 1. In calculating gross revenue, any prizes, premiums, drawings, benefits or tickets that are redeemable for money or merchandise or other promotional allowance, except money or tokens paid at face value directly to a patron as the result of a specific wager, must not be deducted as losses from winnings at any game except a slot machine.

2. In calculating gross revenue, the amount of cash paid to fund periodic payments may be deducted as losses from winnings for any game.

3. In calculating gross revenue from slot machines, *keno and bingo,* the actual cost to the licensee of any personal property distributed to a patron as the result of a *specific* legitimate wager may be deducted as a loss, but not travel expenses, food, refreshments, lodging or services.

4. In calculating gross revenue from bingo, a licensee who provides a patron with additional play at bingo as the result of an initial wager may deduct as losses from winnings all money or tokens paid directly to that patron as a result of such additional play.

5. In calculating gross revenue, a licensee may deduct its pro rata share of a payout from a game played in an inter-casino linked system except for a payout made in conjunction with a card game. The amount of the deduction must be determined based upon the written agreement among the licensed gaming establishments participating in the inter-casino linked system and the operator of the system. All cash prizes and the value of noncash prizes awarded during a contest or tournament conducted in conjunction with an inter-casino linked system are also deductible on a pro rata basis to the extent of the compensation received for the right to participate in that contest or tournament. The deductions may be taken only by those participating licensed gaming establishments that held an active gaming license at any time during the month in which the payout was awarded.".

Amend the bill as a whole by renumbering sections 16 and 17 as sections 22 and 23 and adding new sections designated sections 20 and 21, following sec. 15, to read as follows:

"Sec. 20. NRS 464.005 is hereby amended to read as follows:

464.005 As used in this chapter, unless the context otherwise requires:

1. "Off-track pari-mutuel system" means a computerized system, or component of such a system, that is used with regard to a pari-mutuel pool to transmit information such as amounts wagered, odds and payoffs on races.

2. "Off-track pari-mutuel wagering" means any pari-mutuel system of wagering approved by the Nevada gaming commission for the acceptance of wagers on:

(a) Races which take place outside of this state; or

(b) Sporting events . [, except jai alai.]

3. "Operator of a system" means a person engaged in providing an off-track pari-mutuel system.

4. "Pari-mutuel system of wagering" means any system whereby wagers with respect to the outcome of a race or sporting event are placed in a wagering pool conducted by a person licensed or otherwise permitted to do so under state law, and in which the participants are wagering with each other and not against that person. The term includes off-track pari-mutuel wagering.

Sec. 21. NRS 464.020 is hereby amended to read as follows:

464.020 1. The Nevada gaming commission is charged with the administration of this chapter for the protection of the public and in the public interest.

2. The Nevada gaming commission may issue licenses permitting the conduct of the pari-mutuel system of wagering, including off-track pari-mutuel wagering, and may adopt, amend and repeal regulations relating to the conduct of such wagering.

3. The wagering must be conducted only by the licensee at the times determined by the Nevada gaming commission and only:

(a) Within the enclosure wherein the race or other sporting event which is the subject of the wagering occurs; or

(b) Within a licensed gaming establishment which has been approved to conduct off-track pari-mutuel wagering.

This subsection does not prohibit a person licensed to accept, pursuant to regulations adopted by the Nevada gaming commission, off-track pari-mutuel wagers from accepting wagers made by wire communication from patrons within the State of Nevada or from states in which such wagering is legal.

4. The regulations of the Nevada gaming commission may include, without limitation:

(a) Requiring fingerprinting of an applicant or licensee, or other method of identification.

(b) Requiring information concerning an applicant's antecedents, habits and character.

(c) Prescribing the method and form of application which any applicant for a license issued pursuant to this chapter must follow and complete before consideration of his application by the Nevada gaming commission.

5. The Nevada gaming commission may appoint a committee consisting of persons who are licensed to engage in off-track pari-mutuel wagering. The commission may grant to that committee the exclusive right to negotiate an agreement relating to off-track pari-mutuel wagering with:

(a) A person who is licensed or otherwise permitted to operate a wagering pool in another state; and

(b) A person who is licensed pursuant to chapter 464 of NRS as an operator of a system.

6. The Nevada gaming commission shall, and it is granted the power to, demand access to and inspect all books and records of any person licensed pursuant to this chapter pertaining to and affecting the subject of the license.".

Amend the bill as a whole by renumbering sec. 18 as sec. 25 and adding a new section designated sec. 24, following sec. 17, to read as follows:

"Sec. 24. Section 1 of Assembly Bill No. 133 of this session is hereby amended to read as follows:

Section 1. NRS 463.120 is hereby amended to read as follows:

463.120 1. The board and the commission shall cause to be made and kept a record of all proceedings at regular and special meetings of the board and the commission. These records are open to public inspection.

2. The board shall maintain a file of all applications for licenses under this chapter and chapter 466 of NRS, together with a record of all action taken with respect to those applications. The file and record are open to public inspection.

3. The board and the commission may maintain such other files and records as they may deem desirable.

4. Except as otherwise provided in this subsection and subsection 5, all information and data:

(a) Required by the board or commission to be furnished to it under this chapter or which may be otherwise obtained relative to the finances, earnings or revenue of any applicant or licensee;

(b) Pertaining to an applicant's criminal record, antecedents and background which have been furnished to or obtained by the board or commission from any source;

(c) Provided to the members, agents or employees of the board or commission by a governmental agency or an informer or on the assurance that the information will be held in confidence and treated as confidential; or

(d) Obtained by the board from a manufacturer, distributor or operator relating to the manufacturing of gaming devices,

are confidential and may be revealed in whole or in part only in the course of the necessary administration of this chapter or upon the lawful order of a court of competent jurisdiction. The board and commission may reveal such information and data to an authorized agent of any agency of the United States Government, any state or any political subdivision of a state or the government of any foreign country. Notwithstanding any other provision of state law, such information may not be otherwise revealed without specific authorization by the board or commission.

5. Before the beginning of each legislative session, the board shall submit to the legislative commission for its review and for the use of the legislature a report on the gross revenue, net revenue and average depreciation of all licensees, categorized by class of licensee and geographical area and the assessed valuation of the property of all licensees, by category, as listed on the assessment rolls.

6. Notice of the content of any information or data furnished or released pursuant to subsection 4 may be given to any applicant or licensee in a manner prescribed by regulations adopted by the commission.

7. The files, records and reports of the board are open at all times to inspection by the commission and its authorized agents.

8. All files, records, reports and other information pertaining to gaming matters in the possession of the Nevada tax commission must be made available to the board and the Nevada gaming commission as is necessary to the administration of this chapter.

9. The Nevada gaming commission, by the affirmative vote of a majority of its members, may remove from its records the name of a debtor and the amount of tax, penalty and interest, or any of them, owed by him, if after 5 years it remains impossible or impracticable to collect such amounts. The commission shall establish a master file containing the information removed from its official records by this section.".

Amend sec. 18, page 5, line 27, by deleting "17," and inserting "24,".

Amend the title of the bill to read as follows: "An Act relating to gaming; providing that there is no right of assignment in periodic payments of winnings; making various changes concerning cashless wagering to regulate electronic transfers of money; increasing the salaries of the members of the Nevada gaming commission; clarifying the circumstances under which certain confidential and privileged information may be disclosed; clarifying the authority of the state gaming control board to resolve disputes between licensees and patrons; clarifying when a licensee may accept a credit instrument; revising provisions concerning the calculation of gross revenue for keno and bingo; revising provisions governing off-track pari-mutuel wagering; prohibiting the use of certain items in a gambling game, associated equipment or a cashless wagering system; prohibiting the possession of paraphernalia for use in manufacturing counterfeit facsimiles of debit instruments; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

The following amendment was proposed by Assemblyman Batten:

Amendment No. 1132.

Amend sec. 12, page 3, line 3, by deleting "*$55,000.*" and inserting "*$44,940.*".

Amend sec. 12, page 3, line 4, by deleting "*$40,000.*" and inserting "*$32,100.*".

Assemblyman Batten moved the adoption of the amendment.

Remarks by Assemblymen Batten, Schneider, Anderson, Arberry and Perkins.

Assemblymen Hettrick, Ernaut and Marvel moved the previous question.

Motion carried.

The question being on the adoption of Amendment No. 1132 to Senate Bill No. 401.

Assemblymen Batten, Manendo and Evans requested a roll call on Assemblyman Batten's motion.

Roll call on Assemblyman Batten's motion:

YEAS—8.

NAYS—Allard, Anderson, Arberry, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Ernaut, Fettic, Freeman, Goldwater, Harrington, Humke, Krenzer, Lambert, Marvel, Monaghan, Neighbors, Perkins, Price, Sandoval, Schneider, Segerblom, Steel, Stroth, Tripple, Mr. Speaker Hettrick—30.

Absent—Nolan.

Not voting—Tiffany, Williams, Mr. Speaker Dini—3.

The motion having failed to receive a majority, Mr. Speaker declared the amendment lost.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 401 be re-referred to the Committee on Ways and Means.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 424.

Bill read second time and ordered to third reading.

Senate Bill No. 433.

Bill read second time and ordered to third reading.

Senate Bill No. 462.

Bill read second time and ordered to third reading.

Senate Bill No. 474.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1278.

Amend sec. 3, page 2, lines 13 and 14, by deleting "*dangerous*" and inserting "*harmful*".

Amend sec. 4, page 2, line 25, by deleting "*In*" and inserting: "*1. Except as otherwise provided in subsection 2, in*".

Amend sec. 4, page 2, line 29, by deleting "*1.*" and inserting "*(a)*".

Amend sec. 4, page 2, line 32, by deleting "*2.*" and inserting "*(b)*".

Amend sec. 4, page 2, line 34, by deleting "*3.*" and inserting "*(c)*".

Amend sec. 4, page 2, line 37, by deleting: "*subsection 1, 2 or 3*" and inserting: "*paragraph (a), (b) or (c)*".

Amend sec. 4, page 2, between lines 40 and 41, by inserting:

"2. *The limitations on liability set forth in subsection 1 do not apply to an action brought against an insurer who acts in bad faith regarding its obligations to provide insurance coverage.*".

Amend sec. 8, pages 3 and 4, by deleting lines 42 through 48 on page 3 and lines 1 through 5 on page 4 and inserting: "*an employee under the control or supervision of the owner or keeper unless:*

(a) The wrongful act which caused the death or injury was foreseeable; and

(b) There is a preponderance of evidence that the owner or keeper did not exercise due care for the safety of the patron or other person on the premises.

2. An owner or keeper of any hotel, inn, motel, motor court, boarding-house or lodginghouse is civilly liable for the death or injury of a patron or other person on the premises caused by another person who is not an employee under the control or supervision of the owner or keeper if:

(a) The wrongful act which caused the death or injury was foreseeable; and

(b) The owner or keeper failed to take reasonable precautions against the foreseeable wrongful act.

The court shall determine as a matter of law whether the wrongful act was foreseeable and whether the owner or keeper had a duty to take reasonable precautions against the foreseeable wrongful act of the person who caused the death or injury.

3. For the purposes of this section, a wrongful act is not foreseeable unless:

(a) The owner or keeper failed to exercise due care for the safety of the patron or other person on the premises; or

(b) Prior incidents of similar wrongful acts occurred on the premises and the owner or keeper had notice or knowledge of those incidents.''.

Amend sec. 9, page 4, by deleting lines 13 through 32 and inserting: ''in the absence of gross neglect by the owner or keeper.

2. [If an] *An* owner or keeper of any hotel, inn, motel, motor court, boardinghouse or lodginghouse in this state *is not civilly liable for the theft, loss, damage or destruction of any property of a guest left in a guest room if:*

(a) The owner or keeper provides a fireproof safe or vault in which guests may deposit property for safekeeping [, and notice] *;*

(b) Notice of this service is personally given to a guest or posted in the office and the guest's room [, the owner or keeper is not liable for the theft, loss, damage or destruction of any property which] *; and*

(c) The property is not offered for deposit in the safe or vault by a guest ,

unless the owner or keeper is grossly negligent.

3. An owner or keeper is not obligated to receive property to deposit for safekeeping which exceeds $750 in value or is of a size which cannot easily fit within the safe or vault.

[3.] *4.* The liability of the owner or keeper [under this section] does not exceed the sum of $750 for any property , *including, but not limited to, property which is not deposited in a safe or vault because it cannot easily fit within the safe or vault,* of an individual *patron or* guest, unless the owner or keeper receives the property for deposit for safekeeping and consents to assume a liability greater than $750 for its theft, loss, damage [,] or destruction in a written agreement in which the *patron or* guest specifies the value of the property.''.

Amend sec. 11, page 4, by deleting lines 38 through 42 and inserting:

"Sec. 11. 1. The amendatory provisions of sections 1 to 9, inclusive, of this act are applicable to any action filed on or after the effective date of this act. Any action filed before the effective date of this act must be controlled by the applicable statutes in their prior form, any applicable common law and any applicable case law that construed the common law or the statutes in their prior form.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 475.

Bill read second time and ordered to third reading.

Senate Bill No. 477.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1139.

Amend section 1, page 2, after line 8, by inserting:

"*5. As used in this section, unless the context otherwise requires, "convention hall" means a facility which incorporates both space for exhibitions and a substantial number of smaller spaces for meetings, and which is primarily for use by trade shows, public shows, conventions or related activities.*".

Assemblyman Monaghan moved the adoption of the amendment.

Remarks by Assemblyman Monaghan.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 536.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1288.

Amend the bill as a whole by deleting sec. 48 and inserting:

"Sec. 48. (Deleted by amendment.)".

Assemblyman Tiffany moved the adoption of the amendment.

Remarks by Assemblyman Tiffany.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 467, 565, 621, 710, 732; Senate Bills Nos. 231, 283, 333, 349, 378 be placed on the Second Reading File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 126.

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

Motion carried.

Senate Bill No. 234.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 358.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 491.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 501.

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

Motion carried.

Senate Bill No. 506.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 516.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 560.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 571.

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

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 467.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1309.

Amend sec. 2, page 1, line 26, by deleting "Is" and inserting "[Is".

Amend sec. 2, page 2, line 3, by deleting "(c)" and inserting "(c)]".

Amend sec. 2, page 2, by deleting line 6 and inserting: "used in violation] *injured a pedestrian, violated any of the provisions* of NRS 484.379".

Amend sec. 2, page 2, line 8, by deleting "(d)" and inserting "[(d)] *(b)*".

Amend sec. 2, page 2, line 11, by deleting "(e)" and inserting "[(e)] *(c)*".

Amend sec. 2, page 2, line 13, by deleting "(f)" and inserting "[(f)] *(d)*".

Amend sec. 2, page 2, by deleting line 15 and inserting:

"2. [The provisions of paragraphs (a) and (b)] *Paragraph (a)* of subsection 1 [do] *does* not apply to".

Amend sec. 2, page 2, line 16, by deleting "was:" and inserting "was [:".

Amend sec. 2, page 2, line 18, by deleting the semicolon and inserting: "or section 2 of [this act;] *Assembly Bill No. 405 of this session;*".

Amend sec. 2, page 2, line 20, by deleting "Physically" and inserting "Physically] *physically*".

Amend the bill as a whole by adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Section 2 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the bill by deleting the second through fourth lines and inserting: "for the compensation of victims of crime; revising the provisions governing eligibility for an award or compensation for victims of crime; and providing other matters properly relating thereto.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 565.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1310.

Amend section 1, page 1, line 24, after "residing" by inserting: ", with whom he had or is having a dating relationship".

Amend sec. 2, page 4, line 4, after "*(d)*" by inserting: "*In addition to any other fine or monetary sanction, pay the reasonable cost of the storage, maintenance and care of any firearm or weapon surrendered pursuant to paragraph (c).*

(e)".

Amend sec. 2, page 4, line 6, by deleting "*(e)*" and inserting "*(f)*".

Amend sec. 2, page 4, line 7, by deleting "*(f)*" and inserting "*(g)*".

Amend sec. 3, page 4, by deleting lines 42 through 47 and inserting: "agency;

(c) Destroy or direct the destruction of the confiscated instrument or weapon if it is not otherwise required to be destroyed pursuant to subsection 5;

(d) Trade the confiscated instrument or weapon to a properly licensed retailer or wholesaler in exchange for equipment necessary for the performance of the agency's duties; or

(e) Donate the confiscated instrument or weapon to a museum, the Nevada National Guard or, if appropriate, to another person for use which furthers a charitable or public interest.".

Amend sec. 3, page 5, line 6, by deleting: "as provided in" and inserting "pursuant to".

Amend sec. 3, page 5, line 8, by deleting "The" and inserting: "Except as otherwise provided in subsection 6, the".

Amend sec. 3, page 5, between lines 21 and 22, by inserting:

"(d) Return any instrument or weapon which was stolen to its rightful owner, unless the return is otherwise prohibited by law.

6. Before any disposition pursuant to subsection 5, the officer who is in possession of the confiscated instrument or weapon shall submit a full description of the instrument or weapon to a laboratory which provides forensic services in this state. The director of the laboratory shall determine whether the instrument or weapon:

(a) Must be sent to the laboratory for examination as part of a criminal investigation; or

(b) Is a necessary addition to a referential collection maintained by the laboratory for purposes relating to law enforcement.".

Amend sec. 4, page 6, between lines 15 and 16, by inserting:

"*6. The appropriate law enforcement agency may contract with a private firm to administer the program of electronic monitoring under its direction.*".

Amend sec. 5, page 7, between lines 9 and 10, by inserting:

"*6. The appropriate law enforcement agency may contract with a private firm to administer the program of electronic monitoring under its direction.*".

Amend sec. 13, page 9, by deleting lines 41 through 43 and inserting:

"213.107 As used in NRS 213.107 to 213.160, inclusive, section 5 of Senate Bill No. 61 of this session , [and] sections 7 to 10, inclusive, of [this act,] *Senate Bill No. 192 of this session and sections 11 and 12 of this act,* unless the context otherwise requires:".

Amend sec. 13, page 10, by deleting lines 4 through 6 and inserting:

"5. "Sex offender" means any person who has been or is convicted of a sexual offense.

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 3 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450;

(b) An attempt to commit any offense listed in paragraph (a); or

(c) An act of murder in the first or second degree, kidnaping in the first or second degree, false imprisonment, burglary or invasion of the home if the act is determined to be sexually motivated at a hearing conducted pursuant to section 3 of [this act.] *Senate Bill No. 192 of this session.*

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief.".

Amend sec. 16, page 10, by deleting line 30 and inserting:

"Sec. 16. 1. Sections 2, 3 and 13 of this act become effective at 12:01 a.m. on October 1, 1995.

2. Section 1 of this act becomes effective at 12:02 a.m. on October 1, 1995.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 621.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1104.

Amend section 1, page 1, line 5, after "action" by inserting: ", *including the establishment or adjustment of an obligation of support,*".

Amend section 1, page 1, line 18, by deleting "The" and inserting: "[The] *Except as otherwise provided in NRS 126.101, the*".

Amend sec. 2, page 3, between lines 38 and 39, by inserting:

"4. The department of human resources shall develop a form for acknowledging paternity. The department shall distribute the form to each office of the division of child and family services of the department, each child-placing agency licensed pursuant to chapter 127 of NRS and each hospital in this state.".

Amend sec. 3, page 3, line 43, by deleting the open bracket.

Amend sec. 3, pages 3 and 4, by deleting lines 44 through 47 on page 3 and lines 1 and 2 on page 4 and inserting: "ant to NRS 125B.150 , [in which the welfare division of the department of human resources is to act as guardian ad litem,] the district attorney shall [notify the welfare division of the impending action. Upon such notice, the welfare division shall] act as guardian ad litem for the child without the need for court appointment [.] , *if the interests of the child are adequately represented by the appointment of the district attorney. If the interests of the child are not adequately represented by the appointment, the welfare division of the department of human resources must be appointed as guardian ad litem in the case.*".

Amend sec. 4, page 4, by deleting lines 13 and 14 and inserting: "N.R.C.P. or by [registered] *certified* mail , *restricted delivery,* with proof of actual receipt.".

Amend sec. 8, page 6, between lines 2 and 3, by inserting:

"(g) Whether the child is known to be an Indian child.".

Amend sec. 10, page 6, line 34, by deleting: "*per request or action.*" and inserting: "*for an initial action or adjustment or modification of an order of support.*".

Amend sec. 73, page 28, by deleting lines 4 and 5 and inserting:

"2. Sections 1, 3 to 7, inclusive, and 9 to 18, inclusive, of this act become effective on October 1, 1995.

3. Sections 2 and 8 of this act become effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 710.

Bill read second time.

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

Amendment No. 1301.

Amend the bill as a whole by deleting sections 1 through 9, renumbering sections 10 and 11 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 618 of NRS is hereby amended by adding thereto a new section to read as follows:

The division shall adopt regulations establishing standards and procedures for the operation of cranes, including, without limitation, regulations requiring the:

1. Establishment and implementation of site safety plans and procedures for the erection and dismantling of tower cranes;

2. Establishment of a clear zone around the erection, dismantling or other highly hazardous lifts with a crane;

3. Annual certification of the mechanical lifting parts of the crane;

4. Certification of tower cranes each time a tower crane is erected and additional annual certifications of tower cranes while they continue to be in use; and

5. Establishment and implementation of programs for the training and certification of crane operators.

Sec. 2. NRS 618.295 is hereby amended to read as follows:

618.295 1. The division shall adopt such regulations as are necessary to provide safe and healthful employment in those employments within its jurisdiction.

2. The division shall not propose standards or regulations for products distributed or used in interstate commerce which are different from federal standards for such products unless such standards are required by compelling local conditions and do not unduly burden interstate commerce.

3. The division may adopt by emergency regulation temporary emergency standards for the protection of employees who are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards.

4. Standards established under this chapter must apply equally to all places of employment.

5. Standards or regulations must provide for furnishing prompt information to employees by means of labels or warning signs regarding hazards in the workplace. The information must include the suitable precautions, the symptoms and emergency treatment in case of exposure to hazards.

6. If an employee has been exposed to a hazard and the division considers a medical examination necessary, the cost of the examination must be paid by the employer. The results of the examination must be furnished only to the division and, at the request of the employee, to the employee's physician.

7. Standards or regulations must prescribe the use of suitable protective equipment and control methods or procedures to include monitoring or measuring any exposures. The employees are entitled to be apprised of such monitoring and to obtain the results.

8. All federal occupational safety and health standards which the Secretary of Labor promulgates, modifies or revokes, and any amendments thereto, shall be deemed Nevada occupational safety and health standards [.] *unless the division, in accordance with federal law, adopts regulations establishing alternative standards that provide protection equal to the protection provided by those federal occupational safety and health standards.*".

Amend sec. 10, page 2, by deleting line 39 and inserting: "and industry shall adopt the regulations required by section 1".

Amend sec. 11, page 2, line 43, by deleting "4" and inserting "1".

Amend the title of the bill to read as follows: "An Act relating to occupational safety and health; requiring the establishment of standards and procedures for the operation of cranes; limiting the applicability of certain federal occupational safety and health standards; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Limits applicability of certain federal occupational safety and health standards and requires establishment of standards and procedures for operation of cranes. (BDR 53-2041)".

Assemblyman Krenzer moved the adoption of the amendment.

Remarks by Assemblyman Krenzer.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 732.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 231.

Bill read second time and ordered to third reading.

Senate Bill No. 283.

Bill read second time.

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

Amendment No. 1221.

Amend section 1, page 1, line 11, after "denial." by inserting: "*Such a report is confidential and must not be disclosed.*".

Amend section 1, page 1, by deleting lines 20 through 22 and inserting: "*4. Pursuant to NRS 241.030, the commission may close any portion of a meeting in which it considers the character, alleged misconduct or professional competence of a person in relation to:*".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblymen Lambert and Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 333.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1194.

Amend section 1, page 1, by deleting line 6 and inserting: "*pursuant to subsection 1 of NRS 281.0317, subsection 1 of NRS 281.0325 or subsection 2 of NRS 281.0335; and*".

Amend section 1, page 1, line 10, by deleting "*may*" and inserting: "*may, after first obtaining the written approval of the director of the department of administration,*".

Amend the title of the bill to read as follows: "An Act relating to state employees; authorizing the reimbursement of certain peace officers employed by the state for required clothing and accessories damaged in the performance of their duties; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "peace officer" and inserting: "certain peace officers".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 349.

Bill read second time and ordered to third reading.

Senate Bill No. 378.

Bill read second time and ordered to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 170.

Bill read third time.

Remarks by Assemblyman Stroth.

Roll call on Assembly Bill No. 170:

YEAS—41.

NAYS—None.

Absent—Nolan.

Assembly Bill No. 170 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 377.

Bill read third time.

Remarks by Assemblymen Stroth and Goldwater.

Roll call on Assembly Bill No. 377:

YEAS—41.

NAYS—None.

Absent—Nolan.

Assembly Bill No. 377 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 545.

Bill read third time.

Assemblyman Buckley moved that Assembly Bill No. 545 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Buckley.

Motion carried.

Assembly Bill No. 559.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Assembly Bill No. 559:

YEAS—37.

NAYS—Ernaut, Humke, Marvel, Sandoval—4.

Absent—Nolan.

Assembly Bill No. 559 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 581.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Assembly Bill No. 581:

YEAS—41.

NAYS—None.

Absent—Nolan.

Assembly Bill No. 581 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 659.

Bill read third time.

Remarks by Assemblymen Segerblom, Harrington, Chowning, Evans and Bennett.

Roll call on Assembly Bill No. 659:

YEAS—41.

NAYS—None.

Absent—Nolan.

Assembly Bill No. 659 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 679.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Assembly Bill No. 679:

YEAS—41.

NAYS—None.

Absent—Nolan.

Assembly Bill No. 679 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 709.

Bill read third time.

Remarks by Assemblyman Freeman.

Roll call on Assembly Bill No. 709:

YEAS—41.

NAYS—None.

Absent—Nolan.

Assembly Bill No. 709 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 308.

Bill read third time.

Remarks by Assemblymen Price, Harrington, Lambert and Anderson.

Roll call on Senate Bill No. 308:

YEAS—41.

NAYS—None.

Absent—Nolan.

Senate Bill No. 308 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 458.

Bill read third time.

Remarks by Assemblymen Hettrick, Giunchigliani, Bache, Goldwater and Freeman.

Assemblymen Manendo, Giunchigliani and Bache moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 458.

Roll call on Senate Bill No. 458:

YEAS—31.

NAYS—Bache, Batten, Evans, Giunchigliani, Neighbors, Price, Spitler—7.

Absent—Nolan.

Not voting—Close, Harrington, Krenzer—3.

Senate Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 543.

Bill read third time.

Remarks by Assemblymen Lambert and Krenzer.

Roll call on Senate Bill No. 543:

YEAS—41.

NAYS—None.

Absent—Nolan.

Senate Bill No. 543 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 561.

Bill read third time.

Remarks by Assemblyman Allard.

Roll call on Senate Bill No. 561:

YEAS—41.

NAYS—None.

Absent—Nolan.

Senate Bill No. 561 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 314.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1284.

Amend the bill as a whole by deleting section 37 and inserting:

"Sec. 37. (Deleted by amendment.)".

Amend the bill as a whole by renumbering sections 58 through 60 as sections 59 through 61 and adding a new section designated sec. 58, following sec. 57, to read as follows:

"Sec. 58. Section 3 of Assembly Bill No. 570 of this session is hereby amended to read as follows:

Sec. 3. 1. A conviction under NRS 207.010 or section 2 of [this act] *Assembly Bill No. 570 of this session* operates only to increase, not to reduce, the sentence otherwise provided by law for the principal crime.

2. If a count under NRS 207.010 or section 2 of [this act] *Assembly Bill No. 570 of this session* is included in an information charging the primary offense, each previous conviction must be alleged in the accu-

satory pleading, but such a conviction must not be alluded to on trial of the primary offense, nor may any allegation of the conviction be read in the presence of a jury trying the offense or a grand jury considering an indictment for the offense. A count under NRS 207.010 or section 2 of [this act] *Assembly Bill No. 570 of this session* may be separately filed after conviction of the primary offense, but if it is so filed, sentence must not be imposed, or the hearing required by subsection 3 held, until 15 days after the separate filing.

3. If a defendant charged under NRS 207.010 or section 2 of [this act] *Assembly Bill No. 570 of this session pleads guilty or guilty but mentally ill to, or* is found guilty of, [or pleads guilty to,] the primary offense, but denies any previous conviction charged, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the defendant. At such a hearing, the defendant may not challenge the validity of a previous conviction. The court shall impose sentence:

(a) Under NRS 207.010 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual criminality; or

(b) Under section 2 of [this act] *Assembly Bill No. 570 of this session* upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitually fraudulent felon.

4. Nothing in the provisions of this section, NRS 207.010 or section 2 of [this act] *Assembly Bill No. 570 of this session* limits the prosecution in introducing evidence of prior convictions for purposes of impeachment or another lawful purpose.

5. For the purposes of this section, NRS 207.010 and section 2 of [this act,] *Assembly Bill No. 570 of this session,* a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.''.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 324.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 324:

YEAS—41.

NAYS—None.

Absent—Nolan.

Senate Bill No. 324 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:15 p.m.

ASSEMBLY IN SESSION

At 2:03 p.m.
Mr. Speaker presiding.
Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 25, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 293, 341, 364, 373, 414, 440, 489, 504, 534, 598, 667, 697, 698, 721.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 52, 152, 383, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Joint Resolutions Nos. 41, 42.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Raggio, Jacobsen and Mathews as a first Committee on Conference concerning Senate Bill No. 278.

MARY JO MONGELLI
Assistant Secretary of the Senate

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 475, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA TIFFANY, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 63 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Buckley moved that Assembly Bill No. 545 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Buckley.

Motion carried.

Assemblyman Freeman moved that Senate Bill No. 362 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 337.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 337:

YEAS—40.

NAYS—None.

Absent—Nolan.

Not voting—Lambert.

Senate Bill No. 337 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 483.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 483:

YEAS—41.

NAYS—None.

Absent—Nolan.

Senate Bill No. 483 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 493.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 493:

YEAS—41.

NAYS—None.

Absent—Nolan.

Senate Bill No. 493 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 567.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 567:

YEAS—41.

NAYS—None.

Absent—Nolan.

Senate Bill No. 567 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 24.

Resolution read third time.

Remarks by Assemblyman Perkins.

Roll call on Senate Joint Resolution No. 24:

YEAS—41.

NAYS—None.

Absent—Nolan.

Senate Joint Resolution No. 24 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 633.

Bill read third time.

The following amendment was proposed by Assemblyman Steel:

Amendment No. 1159.

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

"Section 1. Chapter 17 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The provisions of NRS 17.115 apply to an offer made to or by two or more parties which is not apportioned among those parties, if the court determines that:

(a) The parties are similarly interested in and will be similarly affected by the determination of the action; or

(b) The claims or liability of the parties arose out of the same transaction or occurrence.

2. An offer made to two or more parties which is apportioned among those parties may be conditioned upon the acceptance of the offer by each of those parties.

3. Each offeree of an offer made pursuant to subsection 1 or 2 may serve a separate notice of acceptance. An offeree who serves a notice of acceptance of the offer within 10 days after the offer is received is not subject to the penalties prescribed in subsection 4 of NRS 17.115 if any other offeree fails to accept the offer.".

Amend section 1, page 1, by deleting line 20 and inserting: "evidence [upon the trial.] *in a judicial proceeding, except to determine costs and attorney's fees. The*".

Amend section 1, page 1, by deleting line 23 and inserting: "4. If the [party to whom the offer of judgment is made] *offeree rejects the offer and*".

Amend section 1, page 2, line 9, by deleting "*offer,*" and inserting "*offer and*".

Amend section 1, page 2, by deleting lines 10 and 11 and inserting: "offer to the time of entry of the judgment . [and] *The court may order the party who rejected the offer to pay to the party who made the offer his* reasonable attorney's fees incurred [by the party making the offer] from the time of *service of* the offer.".

Amend the title of the bill to read as follows: "An Act relating to offers of judgment; requiring a court, under certain circumstances, to award interest and costs if an offer of judgment made to or by two or more parties which is not apportioned is rejected; prohibiting a court from requiring a party who accepts certain offers of judgment to pay the interest or costs awarded by the court if any other party fails to accept the offer of judgment; authorizing a

court to vacate a judgment entered pursuant to an accepted offer of judgment if the defendant pays the amount of the offer within a reasonable time; and providing other matters properly relating thereto.''.

Assemblyman Steel moved the adoption of the amendment.

Remarks by Assemblyman Steel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 63.

Bill read third time.

Remarks by Assemblymen Bache and Anderson.

Conflict of interest declared by Assemblyman Bennett.

Roll call on Senate Bill No. 63:

YEAS—40.

NAYS—None.

Absent—Nolan.

Not voting—Bennett.

Senate Bill No. 63 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 545.

Bill read third time.

Remarks by Assemblymen Buckley and Freeman.

Potential conflicts of interest declared by Assemblymen Monaghan and Harrington.

Roll call on Assembly Bill No. 545:

YEAS—39.

NAYS—Ernaut.

Absent—Nolan.

Not voting—Harrington.

Assembly Bill No. 545 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

SECOND READING AND AMENDMENT

Senate Bill No. 362.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1148.

Amend the bill as a whole by renumbering section 1 as sec. 7 and adding new sections designated sections 1 through 6, following the enacting clause, to read as follows:

''Section 1. NRS 439A.010 is hereby amended to read as follows:

439A.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS [439A.011] *439A.012* to 439A.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 2. NRS 439A.015 is hereby amended to read as follows:

439A.015 "Health facility" means a facility in or through which health services are provided, except for the office of a practitioner used solely to provide routine services for health to his patients. The term includes any parent, affiliate, subsidiary or partner of such a facility and any other entity which has a primary purpose of providing a benefit to such a facility. For the purposes of this section, "office of a practitioner used solely to provide routine services for health to his patients" does not include [:

1. A] *a* facility which is or will be qualified to receive reimbursement, other than for the services of a practitioner, as a health facility from any public agency.

[2. A facility which contains or will contain medical equipment which meets the threshold for review of costs pursuant to paragraph (d) of subsection 2 of NRS 439A.100, regardless of whether approval of the project is required pursuant to that section.]

Sec. 3. NRS 439A.081 is hereby amended to read as follows:

439A.081 1. The department is the agency of the State of Nevada for health planning and development, and shall carry out the state administrative program and perform the functions of health planning and development for the state in accordance with the following priorities:

(a) Providing for the effective use of methods for controlling increases in the cost of health care;

(b) Providing for the adequate supply and distribution of health resources;

(c) Providing for equal access to health care of good quality at a reasonable cost; and

(d) Providing education to the public regarding proper personal health care and methods for the effective use of available health services.

[The department shall consult with and assist the council.]

2. In order to carry out the provisions of this chapter, the director may:

(a) Delegate the duties of the director and the department pursuant to this chapter to any of the divisions of the department;

(b) Hire employees in the classified service;

(c) Adopt such regulations as are necessary; and

(d) Apply for, accept and disburse money granted by the Federal Government for the purposes of health planning and development.

3. The department may, by regulation, fix fees to be collected from applicants seeking approval of proposed health facilities or services. The amounts of such fees must be based upon the department's costs of examining and acting upon the applications.

4. In developing and revising any state plan for health planning and development, the department shall consider, among other things, the amount of money available from the Federal Government for health planning and development and the conditions attached to the acceptance of [such] *that* money, and the limitations of legislative appropriations for health planning and development.

Sec. 4. NRS 439A.100 is hereby amended to read as follows:

439A.100 1. Except as *otherwise* provided in this section [and NRS 439A.103,] , *in a county whose population is less than 100,000,* no person

may undertake any [project described in subsection 2 or 3 without first applying for and obtaining the written approval of the director. The health division of the department of human resources shall not issue a new license or alter an existing license for any project described in subsection 2 or 3 unless the director has issued such an approval.

2. In a county whose population is less than 100,000, the projects for which this approval is required are:

(a) Any] proposed expenditure *for new construction* by or on behalf of a health facility in excess of the greater of [$4,000,000] *$2,000,000* or such an amount as the department may specify by regulation, which under generally accepted accounting principles consistently applied is a capital expenditure [;

(b) A proposal which increases the number of licensed or approved beds in a health facility other than a hospital above the total of the number of licensed beds and the number of additional beds which have been approved pursuant to this subsection;

(c) A proposal which increases the number of licensed and approved beds in a hospital through the addition of 10 or more beds or a number of beds equal to 10 percent of the licensed or approved capacity of that facility, whichever is less, over a period of 2 years;

(d) The proposed acquisition of any new or used medical equipment which has a market value of more than $1,000,000 or such an amount as the department may specify by regulation, whichever is greater;

(e) The acquisition of an existing health facility if:

(1) The purchaser does not, within a period specified by a regulation of the department, notify it of his intention to acquire the facility; or

(2) The department finds, within 30 days after it receives the notice, that in acquiring the facility the purchaser will change the number of beds;

(f) The construction of a new health facility;

(g) The conversion of an existing office of a practitioner to a health facility, regardless of the cost of the conversion, if the establishment of the office would have met the threshold for review of costs pursuant to paragraph (a) or (d); and

(h) A proposal to establish any of the following services:

(1) The intensive care of newborn babies;

(2) The treatment of burns;

(3) The performance of open-heart surgery;

(4) The transportation of patients by helicopter; or

(5) A center for the treatment of trauma.

3. In a county whose population is 100,000 or more, the projects for which approval is required are proposals to establish either of the following services:

(a) The treatment of burns; or

(b) A center for the treatment of trauma.

4. As used in paragraph (d) of subsection 2, "market value" includes all costs associated with the installation and acquisition of the equipment, whether it is acquired by lease, rent, donation, contractual agreement, purchase, any method of financing or any encumbrance of money.

5. The approval of the director is not required for the addition of 60 beds or less over 3 years to an existing hospital that:

(a) Has a licensed capacity of 75 beds or less; and

(b) Is the only hospital within an incorporated city whose population is 50,000 or more.

6.] , *without first applying for and obtaining the written approval of the director. The health division of the department of human resources shall not issue a new license or alter an existing license for such a project unless the director has issued such an approval.*

2. The provisions of [paragraph (a) of subsection 2] *subsection 1* do not [include any] *apply to:*

(a) Any capital expenditure for:

[(a)] *(1)* The acquisition of land;

[(b)] *(2)* The construction of a facility for parking;

[(c)] *(3)* The maintenance of a health facility;

[(d)] *(4)* The renovation of a health facility to comply with standards for safety, licensure, certification or accreditation;

[(e)] *(5)* The installation of a system to conserve energy;

[(f)] *(6)* The installation of a system for data processing or communication; or

[(g)] *(7)* Any other project which, in the opinion of the director, does not relate directly to the provision of any health service [.

7. The provisions of paragraph (d) of subsection 2 do not include acquisitions of medical equipment proposed primarily to replace existing equipment. The person acquiring the replacement equipment, within a period specified by regulation of the department, shall notify it of his intention to acquire the equipment. The department shall by regulation develop standards to determine whether the primary purpose of a proposed acquisition is to replace existing equipment.

8.] *; or*

(b) Any project for the development of a health facility that has received legislative approval and authorization.

Upon determining that a project satisfies the requirements for an exemption pursuant to this subsection, the director shall issue a certificate which states that the project is exempt from the requirements of this section.

3. In reviewing an application for approval, the director shall:

(a) Comparatively assess applications for similar projects affecting the same geographic area; and

(b) Base his decision on criteria established by the director by regulation. The criteria must include:

(1) The need for and the appropriateness of the project in the area to be served;

(2) [The extent to which the project is consistent with the state health plan;

(3)] The financial feasibility of the project;

[(4)] *(3)* The effect of the project on the cost of health care; and

[(5)] *(4)* The extent to which the project is consistent with the purposes set forth in NRS 439A.020 and the priorities set forth in NRS 439A.081.

[9.] *4.* The department may by regulation require additional approval for a proposed change to a project which has previously been approved if the proposal would result in a change in the [number of existing beds or a change in the health services which are to be provided, a change in the] location of the project or a substantial increase in the cost of the project.

[10.] *5.* The decision of the director is a final decision for the purposes of judicial review.

Sec. 5. NRS 439A.106 is hereby amended to read as follows:

439A.106 1. The department shall prepare [quarterly] *annually* and release for publication or other dissemination a listing of every hospital in the state and its charges for representative services. The listing must include information regarding each hospital's average and total contractual allowances to categories of payers who pay on the basis of alternative rates rather than billed charges.

2. The department shall not disclose or report the details of contracts entered into by a hospital, or disclose or report information pursuant to this section in a manner that would allow identification of an individual payer or other party to a contract with the hospital, except that the department may disclose to other state agencies the details of contracts between the hospital and a related entity. A state agency shall not disclose or report information disclosed to the agency by the department pursuant to this subsection in a manner that would allow identification of an individual payer or other party to a contract with the hospital.

3. [The department shall report quarterly to the legislative committee on health care regarding the effects of legislation on the costs of health care and on the manner of its provision.

4.] As used in this section, "related entity" means an affiliated person or subsidiary as those terms are defined in NRS 439B.430.

Sec. 6. NRS 439A.120 is hereby amended to read as follows:

439A.120 1. Except as *otherwise* provided in subsection 2, any person who violates any of the provisions of this chapter is liable to the state for a civil penalty of:

(a) Where the provision violated governs the licensing of a project [described in subsection 2 or 3 of] *which is required to be approved pursuant to* NRS 439A.100, not more than 10 percent of the proposed expenditure for the project.

(b) Where any other provision is violated, not more than $20,000 for each violation.

2. The department shall not impose a penalty under this section if it applies for injunctive relief to prevent the same violation.".

Amend section 1, pages 1 and 2, by deleting lines 19 through 25 on page 1 and lines 1 and 2 on page 2 and inserting:

"*(1) A* urologist for lithotripsy services; or

(2) A nephrologist for services and supplies for a renal dialysis; or".

Amend section 1, page 2, by deleting line 9 and inserting:

"4. *The provisions of this section do not prohibit a practitioner from owning and using equipment in his office solely to provide to his patients services or goods related to health care.*

5. As used in this section:".

Amend the bill as a whole by adding new sections designated sections 8 and 9 and the leadlines of the repealed sections, following section 1, to read as follows:

"Sec. 8. NRS 449.060 is hereby amended to read as follows:

449.060 Each license issued pursuant to NRS 449.001 to 449.240, inclusive, expires on December 31 following its issuance and is renewable for 1 year upon reapplication and payment of the fee provided in NRS 449.040 and 449.050 unless the health division finds, after an investigation, that the facility has not:

1. Satisfactorily complied with the provisions of NRS 449.001 to 449.240, inclusive, or the standards and regulations adopted by the board; *or*

2. Obtained the approval of the director of the department of human resources before undertaking [one of the projects enumerated in NRS 439A.100,] *a project,* if such approval is required [;] *by NRS 439A.100;* or

3. Conformed to all applicable local zoning regulations.

Sec. 9. NRS 439A.011, 439A.016, 439A.018, 439A.030, 439A.040, 439A.060, 439A.103 and 449.290 are hereby repealed.

LEADLINES OF REPEALED SECTIONS

439A.011 "Council" defined.

439A.016 "Health maintenance organization" defined.

439A.018 "Health systems agency" defined.

439A.030 State health coordinating council: Creation; membership; chairman; meetings.

439A.040 State health coordinating council: Limit on consecutive terms; vacancy; alternate membership prohibited; compensation and expenses of member.

439A.060 State health coordinating council: Duties.

439A.103 Exemption of certain projects from requirement for approval by director; certificate of exemption.

449.290 Duties of state health coordinating council.".

Amend the title of the bill to read as follows: "An Act relating to health care; abolishing the state health coordinating council; eliminating the requirement that certain projects of health facilities be approved by the director of the department of human resources; requiring the department of human resources to prepare for publication annually a list of hospitals and their charges for services; eliminating the requirement that the department make certain quarterly reports to the legislative committee on health care;

expanding the circumstances under which a practitioner may refer a patient to a health care facility in which he has a financial interest; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes to provisions relating to health care. (BDR 40-483)".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblymen Freeman and Bennett.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 92.

The following Senate amendments were read:

Amendment No. 541.

Amend section 1, page 1, line 12, by deleting "*may*" and inserting "*shall*".

Amend section 1, page 1, by deleting lines 18 through 24 and inserting:

"*4. The department shall not treat such an unlawful act in the manner statutorily required for moving violations.*".

Amend the bill as a whole by renumbering sec. 9 as sec. 10 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. NRS 484.384 is hereby amended to read as follows:

484.384 1. Except as otherwise provided in subsection 2, if a person fails to submit to an evidentiary test as directed by a police officer under NRS 484.383, his license, permit or privilege to drive must be revoked as provided in NRS 484.385 and he is not eligible for a license, permit or privilege to drive for a period of 1 year.

2. If the person who has failed to submit to such a test has had his license, permit or privilege to drive suspended or revoked for failing to submit to such a test within the immediately preceding 7 years, he is not eligible for a license, permit or privilege to drive for a period of 3 years.

3. If a person fails to submit to a preliminary test of his breath as directed by a police officer under NRS 484.382 or the result of a test given under NRS 484.382 or NRS 484.383 shows that he had 0.10 percent or more by weight of alcohol in his blood at the time of the test, his license, permit or privilege to drive must be revoked as provided in NRS 484.385 and he is not eligible for a license, permit or privilege for a period of 90 days.

4. If *a* revocation of a person's license, permit or privilege to drive under NRS 483.460 *or section 1 of this act* follows a revocation under subsection 3 which was based on his having 0.10 percent or more by weight of alcohol in his blood, the department shall cancel the revocation under that subsection and give the person credit for any period during which he was not eligible for a license, permit or privilege.

5. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.".

Amendment No. 544.

Amend section 1, page 1, lines 7 and 8, by deleting "*6 months.*" and inserting "*90 days.*".

Amendment No. 841.

Amend section 1, page 1, by deleting lines 19 and 20 and inserting:

"*4. The judge may authorize the department to issue a restricted driver's license pursuant to NRS 483.490 to a child whose driver's license is revoked pursuant to this section.*".

Amend sec. 2, page 1, line 25, by deleting "or".

Amend sec. 2, page 2, line 2, by deleting "202.020," and inserting: "202.020; or

(c) Placing graffiti on or otherwise defacing the public or private property, real or personal, of another, in violation of NRS 206.125 or section 3 of [this act,] *Assembly Bill No. 374 of this session,*".

Amend sec. 2, page 2, by deleting line 27 and inserting:

"4. The department:".

Amend sec. 2, page 2, line 28, by deleting "Treat" and inserting: "Shall not treat".

Amend sec. 2, page 2, line 30, by deleting "Report" and inserting "Shall report".

Amend sec. 2, page 2, line 31, after "record." by inserting: "An insurance company shall not use the information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.".

Amend sec. 2, page 2, line 32, by deleting "Require" and inserting: "Shall not require".

Amend sec. 5, page 4, line 40, by deleting: "has [, pursuant] *:*" and inserting "has:".

Amend sec. 5, page 4, line 41, by deleting: "*(a) Pursuant*" and inserting "(a) Pursuant".

Amend sec. 5, page 4, line 42, by deleting: "license [,] *; or*" and inserting: "license; [or]

(b) Pursuant to section 3 of [this act,] *Assembly Bill No. 374 of this session,* ordered the suspension or delay in issuance of a person's license [,] *; or*".

Amend sec. 5, page 4, line 43, by deleting "*(b)*" and inserting "*(c)*".

Amend sec. 6, page 5, line 16, by deleting "2. After" and inserting:

"2. [After] *Except as otherwise provided in this subsection, after*".

Amend sec. 6, page 5, between lines 22 and 23, by inserting: "*The department shall not issue a restricted driver's license to an applicant whose driver's license has been revoked pursuant to section 1 of this act unless the judge authorizes the department to issue a restricted driver's license to that applicant.*".

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

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

"Sec. 10. Sections 2 and 5 of this act become effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the bill, third line, after "stance;" by inserting: "prohibiting the department of motor vehicles and public safety from issuing a restricted driver's license to such a juvenile under certain circumstances;".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendments to Assembly Bill No. 92.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 31.

The following Senate amendment was read:

Amendment No. 965.

Amend the resolution, page 1, between lines 22 and 23, by inserting: "RESOLVED, That the members of the Nevada Legislature urge Nevada's local governmental officials to:

1. Evaluate the potential for traffic noise before approving residential development in close proximity to major roads and highways, especially freeways and expressways; and

2. Disapprove residential development near a major road or highway where the traffic noise is 66 decibels or more, unless the residential developer will pay the costs to reduce the traffic noise to less than 66 decibels;

and be it further".

Amend the resolution, page 1, by deleting line 25 and inserting: "Transportation and the governing body of each city and county in Nevada.".

Assemblyman Chowning moved that the Assembly do not concur in the Senate amendment to Assembly Concurrent Resolution No. 31.

Remarks by Assemblyman Chowning.

Motion carried.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 438.

The following Senate amendment was read:

Amendment No. 1225.

Amend sec. 7, page 2, by deleting lines 46 and 47.

Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 438.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 4.

The following Senate amendment was read:

Amendment No. 976.

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

"Section 1. Chapter 389 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A pupil enrolled in high school who successfully completes a community service project which has been approved pursuant to this section must be allowed to apply not more than one credit received for the completion of the project toward the total number of credits required for graduation from high school. The credit must be applied toward the pupil's elective course credits and not toward a course that is required for graduation from high school. A pupil may not receive credit for the completion of a community service project if the project duplicates a course of study in which the pupil has received instruction.

2. With the approval of the state board, the board of trustees of each school district shall prescribe for the district the:

(a) Community service projects for which credit will be granted;

(b) Amount of credit which will be granted upon completion of each project;

(c) Rules regarding how a pupil may apply for such credit upon completion of a community service project; and

(d) Procedures for obtaining the consent of a parent or legal guardian of a pupil before the pupil may participate in a community service project for which credit will be granted.".

Amend the title of the bill by deleting the second line and inserting: "completion of community service projects; requiring".

Amend the summary of the bill, first line, by deleting "credits" and inserting "credit".

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 4.

Remarks by Assemblyman Williams.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 12, 13, 56, 88, 93, 217, 218, 219, 220, 226, 227, 229, 231, 232, 236, 240, 245, 246, 252, 253, 287, 299, 316, 319, 334, 336, 338, 378, 399, 405, 407, 425, 435, 439, 461, 476, 479, 512, 530, 537, 542, 549, 555, 560, 575, 629, 641, 642, 644, 669, 673, 677, 690, 692, 704; Assembly Joint Resolutions Nos. 34, 40; Assembly Joint Resolution No. 26 of the 67th Session; Assembly Joint Resolution No. 35 of the 67th Session; Assembly Concurrent Resolution No. 39; Senate Bills Nos. 149, 223, 230, 255, 366, 431, 488, 562; Senate Joint Resolution No. 21.

REMARKS FROM THE FLOOR

Assemblyman Braunlin requested that Assemblyman de Braga's remarks be entered in the Journal.

Thank you, Mr. Speaker. With your permission, I would like to move for the adoption of the following resolution.

WHEREAS, 1:01 p.m. on June 23, 1995, was the time and date chosen by James Brian Sandoval to make his appearance on this earth; and

WHEREAS, he wisely chose Brian and Kathleen Sandoval to be his family; and

WHEREAS, even though he weighed in at a substantial 7 lbs. 10 ozs. and is 19½ inches long, the miracle of birth was not your everyday garden variety miracle; and

WHEREAS, his entry was fraught with danger, causing considerable worry to his family, a state of mind most children wait until they are teenagers to inflict upon their parents; and

WHEREAS, any who is not aware that James Brian is a child of obviously superior intelligence and incredible good looks either has not seen him yet or has not talked to his father; and

WHEREAS, ahead of the Sandoval's lie sleepless nights, dirty diapers, teething, talking, talking back, the terrible twos, the terrifying teens, and thousands of "phases" which if they were remembered vividly, would result in most children being deprived of brothers or sisters; and

WHEREAS, the 42 Assembly Members of the 68th Session of the Nevada Legislature, who seldom agree on anything, did unite with all the other people who have, by virtue of longevity established residency in this building, to pray for the safety of James Brian and are humbly grateful that their prayers were answered;

NOW, THEREFORE BE IT RESOLVED that, by virtue of our mutual participation in the blessed event, we have a collective stake in his future; and

BE IT THEREFORE FURTHER RESOLVED that upon his graduation from law school, any inclination James may have toward a career in politics will automatically trigger a bipartisan caucus to deal with the subject; and

BE IT FINALLY RESOLVED that we all wish for James Brian Sandoval good health, much happiness and all the best life has to offer.

Assemblyman Perkins moved that the Assembly adjourn until Monday, June 26, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 2:40 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-SECOND DAY

CARSON CITY (Monday), June 26, 1995

Assembly called to order at 11:16 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, another Monday. The media said that last week would be our final Monday. Here we are. We call them blue Mondays here because that is what they often are. May this one be green with promise, red with energy and pink with life. Thank You for the colorful session we have had without too much resulting in black and blue. Please keep shining Your rainbow of love upon us. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Assembly Bill No. 715; Senate Bills Nos. 347, 393, 394, 454, 531, 549, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 18, 198, 217, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 72, 505, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 374, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 434, 455, 467, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 728, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 181; Senate Bills Nos. 78, 126, 470, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 226, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Allard moved that Assembly Bills Nos. 467, 520, 565, 621, 633, 636, 648, 650, 710; Senate Bills Nos. 154, 283, 311, 333, 344, 362, 474, 477, 536 be placed on the General File immediately following Assembly Bill No. 732.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 475.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1287.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 13 and 14 and adding new sections designated sections 1 through 12, following the enacting clause, to read as follows:

"Section 1. Title 57 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 2 to 11, inclusive, of this act.

Sec. 2. As used in sections 2 to 11, inclusive, of this act, unless the context otherwise requires, "insurance consultant" means a person who, for a fee, holds himself out to the public as engaged in the business of offering advice, counsel, opinion or service with respect to the benefits, advantages or disadvantages promised pursuant to any policy of insurance that could be issued in this state.

Sec. 3. 1. Except as otherwise provided in subsection 2, no person may engage in the business of an insurance consultant unless a license has been issued to him by the commissioner.

2. An insurance consultant's license is not required for:

(a) An attorney licensed to practice law in this state who is acting in his professional capacity;

(b) A licensed insurance agent, broker or surplus lines broker;

(c) A trust officer of a bank who is acting in the normal course of his employment; or

(d) An actuary or a certified public accountant who provides information, recommendations, advice or services in his professional capacity.

Sec. 4. 1. An application for a license to act as an insurance consultant must be made to the commissioner on forms prescribed by the commissioner and be accompanied by a license fee of $78 and an additional fee of $15 which must be deposited in the insurance recovery account created pursuant to NRS 679B.305.

2. An applicant for an insurance consultant's license must successfully complete an examination and a course of instruction which the commissioner shall establish by regulation.

3. Each license issued pursuant to this chapter is valid for 3 years from the date of issuance, or until it is suspended, revoked or otherwise terminated.

Sec. 5. A license may be renewed for additional 3-year periods by submitting to the commissioner an application for renewal and:

1. If the application is made:

(a) On or before the expiration date of the license, a renewal fee of $78 and an additional fee of $15 for deposit in the insurance recovery account; or

(b) Not more than 30 days after the expiration date of the license, a renewal fee of $117 and an additional fee of $15 for deposit in the insurance recovery account; and

2. Proof of the successful completion of appropriate courses of study required for renewal, as established by the commissioner by regulation.

Sec. 6. A partnership or corporation licensed as an insurance consultant must require a license of each natural person who is authorized to act for the corporation or partnership. Each natural person must be named in the partnership's or corporation's license and qualify as an individual licensee.

Sec. 7. In advance of rendering any service, a written agreement on a form approved by the commissioner must be prepared by the insurance consultant and must be signed by both the consultant and the client. The agreement must outline the professional services to be provided by the consultant and state his fee for those services. The consultant shall retain a copy of the agreement for not less than 3 years after completion of the services. A copy of the agreement must be made available to the commissioner upon request.

Sec. 8. No person licensed pursuant to this chapter may concurrently hold an insurance agent's license, broker's license or surplus lines broker's license in any line.

Sec. 9. No licensed insurance consultant may employ, be employed by or be in partnership with, or receive any remuneration arising out of his activities as an insurance consultant from, any licensed insurance agent, broker or surplus lines broker or insurer.

Sec. 10. The qualifications required for the licensing of a natural person pursuant to subsection 1 of NRS 683A.130 also apply to an insurance consultant.

Sec. 11. An insurance consultant is obligated under his license to:

1. Serve with objectivity and complete loyalty the interests of his client; and

2. Render to his client information, counsel and service which, to the best of the consultant's knowledge, understanding and opinion, best serves the client's insurance needs and interests.

Sec. 12. Chapter 679B of NRS is hereby amended by adding thereto a new section to read as follows:

The commissioner has 7 years in which to begin proceedings to collect the premium tax and associated penalties and fines imposed pursuant to NRS 680B.027, 680B.039, 680B.040, 685A.180, 685A.190 and 685B.035, where the tax has been unreported or has been concealed by error or omission, and where the amount of the tax is known or through reasonable diligence should have been known.".

Amend section 1, page 1, line 6, by deleting "3 and 5" and inserting: "[3 and 5] *3, 5 and 6*".

Amend section 1, page 1, line 20, by deleting the open bracket.

Amend section 1, page 1, by deleting lines 21 through 23 and inserting: "express condition that they remain confidential . [, or be deemed confidential by the commissioner.] No filing required".

Amend section 1, page 1, between lines 25 and 26, by inserting:

"*6. All information and documents in the possession of the division or any of its employees which are related to cases or matters under investigation or examination by the commissioner or his staff are confidential for the entire period of the investigation or examination and may not be made public unless the commissioner finds the existence of an imminent threat of harm to the safety or welfare of the policyholder, shareholders or the public and determines that the interests of the policyholder, shareholders or the public will be served by publication thereof, in which event he may make a record public or publish all or any part of the record in any manner he deems appropriate.*".

Amend the bill as a whole by renumbering sections 3 through 6 as sections 16 through 19 and adding a new section designated sec. 15, following sec. 2, to read as follows:

"Sec. 15. NRS 680A.155 is hereby amended to read as follows:

680A.155 An insurer which has transacted insurance in this state without a certificate of authority must not be granted a certificate of authority unless it pays the tax imposed by NRS 680B.027 *and the penalties provided by NRS 685B.190* for the [3] *5* years immediately preceding the date upon which it applies for a certificate of authority.".

Amend sec. 3, page 2, line 33, by deleting "*per violation.*" and inserting: "*for each act or violation.*".

Amend sec. 3, page 3, by deleting lines 19 and 20 and inserting:

"*4. No proceeding to suspend, limit or revoke a certificate of authority pursuant to this section may be maintained unless it is commenced by the*

giving of notice to the insurer within 5 years after the occurrence of the charged act or omission. This limitation does not apply if the commissioner finds fraudulent or willful evasion of taxes.".

Amend sec. 4, page 3, line 36, by deleting "*subsidiary*" and inserting: "*bank holding company, or a parent, subsidiary or affiliate*".

Amend sec. 6, page 4, by deleting line 7 and inserting:

"3. [A] *Except for a bank or a bank holding company, or a parent, subsidiary or affiliate of a bank that may be licensed to sell fixed and variable annuities, and credit insurance as defined in NRS 690A.015, a* person to".

Amend the bill as a whole by renumbering sec. 7 as sec. 24 and adding new sections designated sections 20 through 23, following sec. 6, to read as follows:

"Sec. 20. NRS 683A.280 is hereby amended to read as follows:

683A.280 1. [Each] *Except as otherwise provided in this chapter, each* insurer appointing an agent, resident or nonresident, in this state shall [file with] *report to* the commissioner [a written appointment specifying the kinds of insurance to be transacted by the agent for the insurer, and pay the] *annually on January 1 the name, license number, effective date, termination date, reason for termination and kinds of insurance transacted for each agent with whom the insurer has contracted. The annual report must be accompanied by the* appointment fee [or license fee] specified in NRS 680B.010 [.

2. Each appointment becomes effective upon filing with the commissioner and] *for each new agent appointed during the calendar year.*

2. The appointment of an agent remains in effect until the agent's license is revoked or otherwise terminated, or there is an earlier termination of the appointment.

Sec. 21. NRS 683A.290 is hereby amended to read as follows:

683A.290 1. Subject to an agent's contract rights, if any, an insurer may terminate the agent's appointment, resident or nonresident, at any time. The insurer shall promptly give written notice of *any* termination [and] *for cause,* the effective date thereof *and the reason for termination* to the commissioner, on forms [furnished] *prescribed* by the commissioner, and to the agent if reasonably possible. The commissioner may require of the insurer reasonable proof that the insurer has also given such a notice to the agent if reasonably possible.

[2. Accompanying the notice of termination given the commissioner, the insurer shall, upon written request of the commissioner, file with him a statement of the cause, if any, for each termination.] Any information or document so disclosed or furnished to the commissioner shall be deemed a qualifiedly privileged communication and is not admissible as evidence in any action or proceeding unless so permitted by the insurer in writing.

[3.] 2. An agent or broker terminating the employment and license of a solicitor shall *promptly* give [like] *written* notice of termination and *such* proof *as required pursuant to subsection 1* to the commissioner [, like information as] , *together with all information related* to the reasons for

termination . [, with like status as] *Such information shall be deemed* a privileged communication unless the privilege is waived in writing by the agent or broker.

[4.] *3.* No agreement between an insurer and agent, or between an employing agent or broker and a licensed solicitor, affects the commissioner's termination of the appointment or license if so requested by the insurer or by the agent or broker, as the case may be.

Sec. 22. NRS 684A.020 is hereby amended to read as follows:

684A.020 1. As used in this code, "adjuster" means any person who, for compensation as an independent contractor or for a fee or commission, investigates and settles, and reports to his principal relative to, claims:

(a) Arising under insurance contracts for property, casualty or surety coverage, on behalf solely of the insurer or the insured; or

(b) Against a self-insurer who is providing similar coverage, unless the coverage provided relates to a claim for industrial insurance.

2. [Except as otherwise provided in subsection 3:] *For the purposes of this chapter:*

(a) An associate adjuster, as defined in NRS 684A.030;

(b) An attorney at law who adjusts insurance losses from time to time incidental to the practice of his profession;

(c) An adjuster of ocean marine losses;

(d) A salaried employee of an insurer; or

(e) A salaried employee of a managing general agent maintaining an underwriting office in this state,

is not considered an adjuster . [for the purposes of this chapter.

3. For any insurer who sells to natural persons liability insurance covering motor vehicles, "adjuster" includes a salaried employee of the insurer and a salaried employee of a managing general agency maintaining an underwriting office in this state.]

Sec. 23. Chapter 685A of NRS is hereby amended by adding thereto a new section to read as follows:

1. A nonprofit organization of surplus lines brokers may be formed to:

(a) Facilitate and encourage compliance by its members with the laws of this state and the rules and regulations of the commissioner concerning surplus lines insurance;

(b) Provide a means for the review of all surplus lines coverage written in this state;

(c) Communicate with organizations of admitted insurers with respect to the proper use of the surplus lines market;

(d) Receive and disseminate to brokers information relative to surplus lines coverages; and

(e) Charge members a filing fee, approved by the commissioner, for the review of surplus lines coverages.

2. Every such organization shall exercise its powers through a board of directors and shall file with the commissioner:

(a) A copy of its constitution, articles of agreement or association or certificate of incorporation;

(b) A copy of its bylaws, rules and regulations governing its activities;

(c) A copy of its plan of operations established and approved by the commissioner;

(d) A current list of its members;

(e) The name and address of a resident of this state upon whom notices or orders of the commissioner or processes issued at his direction may be served; and

(f) An agreement that the commissioner may examine the organization in accordance with the provisions of this section.

3. The commissioner shall make an examination of the affairs, transactions, accounts, records and assets of such an organization and any of its members as often as he deems necessary for the protection of the interests of the people of this state, but no less frequently than once every 3 years. The officers, managers, agents and employees of such an organization may be examined at any time, under oath, and shall provide to the commissioner all books, records, accounts, documents or agreements governing its method of operation. The commissioner shall furnish two copies of his examination report to the organization examined and shall notify the organization that it may, within 20 days thereof, request a hearing on the report or on any facts or recommendations set forth therein. If the commissioner finds such an organization or any member thereof to be in violation of this chapter, he may, in addition to any administration fine or penalty imposed pursuant to this code, issue an order requiring the discontinuance of such violations.

4. The board of directors of such an organization must consist of not fewer than five persons. The members of the board must be appointed by the commissioner and serve at his pleasure.

5. A broker must be a member of such an organization as a condition of continued licensure under this chapter.".

Amend the bill as a whole by renumbering sections 8 and 9 as sections 27 and 28 and adding new sections designated sections 25 and 26, following sec. 7, to read as follows:

"Sec. 25. NRS 685A.175 is hereby amended to read as follows:

685A.175 Within 45 days after the end of each calendar quarter, a broker who has written coverage which will require him to pay more than $1,000 in taxes for coverage written in that calendar quarter shall *pay the tax for the quarter to the commissioner and shall* file with the commissioner , *or with a nonprofit organization of brokers in accordance with regulations adopted by the commissioner pursuant to NRS 685A.210,* a copy of a quarterly report [and shall pay the tax for the quarter. The report must include] *which includes* an accounting of:

1. The aggregate gross premiums for the quarter;
2. The aggregate of the return premiums received; [and]
3. The amount of tax remitted [.] *to the commissioner; and*
4. *The amount of aggregate tax remitted to each other state for which an allocation is made pursuant to NRS 680B.030.*

The report must be on a form [prescribed] *approved* by the commissioner.

Sec. 26. NRS 685A.180 is hereby amended to read as follows:

685A.180 1. On or before March 1 of each year each broker shall pay to the commissioner a tax on surplus lines coverages written by him in unauthorized insurers during the preceding calendar year at the same rate of tax as imposed by law on the premiums of [like] *similar* coverages written by authorized insurers. If a broker has paid any taxes pursuant to NRS 685A.175, he shall deduct the total paid from the tax due and pay the remainder, if any.

2. For the purposes of this section, the "premium" on surplus lines coverages includes [only the] :

(a) The gross amount charged by the insurer for the insurance, [and] *less any return premium;*

(b) Any fee allowed by NRS 685A.155;

(c) Any policy fee;

(d) Any membership fee; and

(e) Any other fees or assessments charged by the insurer as consideration for the insurance.

Premium does not include any additional amount charged for state or federal tax, filing affidavits or reports of coverage, *inspection fee* or the communication expenses of the broker.

3. If a contract for surplus lines insurance covers risks or exposures only partially in this state, the tax so payable must be computed on that portion of the premium properly allocable to the risks or exposures located in this state. The commissioner may adopt regulations which establish standards for allocating premiums for risks located in this state in the same manner as premiums are allocated pursuant to NRS 680B.030.

4. The commissioner shall promptly deposit all taxes collected by him pursuant to this section with the state treasurer, to the credit of the state general fund.

5. A broker who receives a credit for tax paid shall refund to each insured the amount of the credit attributable to the insured when the insurer pays a return premium or within 30 days, whichever is earlier.".

Amend sec. 8, page 4, by deleting lines 38 through 40 and inserting: "ment as required under NRS 685A.170 [, or fails to pay the tax required by NRS 685A.180,] before April 1 after the due date of the statement , [or tax,] is liable for a penalty [in the first year of delinquency] of $25 for each day of".

Amend sec. 8, page 4, line 41, by deleting "$500" and inserting "$500 .".

Amend sec. 8, page 4, line 42, by inserting an open bracket before "or".

Amend sec. 8, page 4, line 46, by inserting a closed bracket after "year.".

Amend sec. 8, page 4, line 47, after "2." by inserting: "*Every broker who fails to pay the tax required by NRS 685A.180 before April 1 after the date upon which the tax is due is liable for a penalty in the first year of delinquency in the amount of $500 or the amount of the delinquent tax, whichever is larger. If the broker fails to pay the tax and penalty within 1*

year after they are due, the broker is liable for a separate penalty for each subsequent year of delinquency equal to the sum of all unpaid taxes and penalties for each previous year.

3.".

Amend sec. 8, page 5, by deleting lines 4 and 5, and inserting:

"*4. No proceeding to recover taxes, penalties or fines pursuant to this section may be maintained unless it is commenced by the giving of notice to the person against whom the proceeding is brought within 5 years after the occurrence of the charged act or omission. This limitation does not apply if the commissioner finds fraudulent or willful evasion of taxes.*".

Amend the bill as a whole by renumbering sec. 10 as sec. 31 and adding new sections designated sections 29 and 30, following sec. 9, to read as follows:

"Sec. 29. NRS 685A.210 is hereby amended to read as follows:

685A.210 1. The commissioner may adopt reasonable regulations, consistent with the [Surplus Lines Law,] *provisions of this chapter,* for any of the following purposes:

(a) Effectuation of the law; [and]

(b) Establishment of procedures through which determination is to be made as to the eligibility of particular proposed coverages for export [.] *; and*

(c) Establishment of procedures for the operation of a nonprofit organization of brokers designed to assist brokers in complying with the provisions of this chapter.

2. Such regulations carry the penalty provided by NRS 679B.130.

Sec. 30. NRS 685B.035 is hereby amended to read as follows:

685B.035 1. If the commissioner has reason to believe that an insurer has committed or engaged in, is committing or engaging in, or is about to commit or engage in any practice, transaction or act prohibited by NRS 685B.030, he may:

(a) Apply to the district court for injunctive relief pursuant to NRS 685B.040 and for an order imposing an administrative fine pursuant to NRS 685B.080;

(b) Issue a statement of charges and a notice of an administrative hearing to be held before the commissioner on those charges and serve the statement and notice upon the person so charged; or

(c) Issue a cease and desist order if the commissioner deems, in his discretion, that the insurer's conduct is injurious to the rights and interests of the public or policyholders in this state and that emergency action is imperatively required. If the commissioner issues a cease and desist order pursuant to this paragraph, he [must] *shall* hold a hearing within 30 days after a request by the insurer in accordance with the provisions of NRS 679B.310.

2. Any statement of charges and notice of an administrative hearing pursuant to this section must be:

(a) Issued as provided in NRS 679B.320; and

(b) Served personally or by certified or registered mail.

3. After the commissioner conducts a hearing pursuant to this section, he shall issue an order pursuant to NRS 679B.360. If the commissioner determines that the person being charged has engaged in a practice prohibited by this Title, the commissioner:

(a) Shall order the person to cease and desist from that practice; [and]

(b) May order the person to pay an administrative fine pursuant to NRS 685B.080 [.] *; and*

(c) Shall order the person to pay premium taxes at the same rate of tax as imposed by law on the premiums of similar coverages written by authorized insurers. If the person fails to pay premium taxes on or before March 1 of the year in which the taxes are due, the person is liable for the penalties set forth in NRS 685A.190.

4. The commissioner may modify or set aside, in whole or in part, any order issued by him pursuant to this section, but any such action must be made before the expiration of the time for taking an appeal or before the official record of the proceeding has been filed with the court.

5. An order issued pursuant to this section:

(a) May be reviewed pursuant to NRS 679B.370.

(b) Becomes final:

(1) Upon the expiration of the time for taking an appeal, if no petition for judicial review has been filed; or

(2) Upon the final decision of the court.

6. If a person violates an order issued pursuant to this section, the commissioner may, after notice and a hearing, impose an administrative fine of not more than $5,000 for each violation.

7. The commissioner shall not, sooner than 1 year after the date on which an order pursuant to this section has been issued, grant an authorization as a surplus lines insurer or issue any license pursuant to Title 57 of NRS to the violator.''.

Amend sec. 10, page 5, line 39, by deleting ''the'' and inserting ''a''.

Amend sec. 10, page 5, by deleting line 40 and inserting: ''new section to read as follows:

1. A company is subject to the provisions of chapter 696B of NRS.

2. For the purposes of chapter 696B of NRS, a company shall be deemed to be an insurer.''.

Amend the bill as a whole by adding new sections designated sections 32 and 33, following sec. 10, to read as follows:

Sec. 32. NRS 686A.225 is hereby amended to read as follows:

686A.225 1. Except as otherwise provided in NRS 684A.060, any insurer who [sells liability insurance covering motor vehicles to natural persons] *:*

(a) Transacts property, casualty or surety insurance in this state; and

(b) Retains an adjuster to investigate and settle any claim arising under an insurance contract,

shall retain an adjuster who [is licensed] *resides* in this state.

2. As used in this section, ''adjuster'' has the meaning ascribed to it in NRS 684A.020.

Sec. 33. NRS 686A.230 is hereby amended to read as follows:

686A.230 1. A person shall not willfully collect any sum as a premium or charge for insurance which is not then provided or is not in due course to be provided, subject to acceptance of the risk by the insurer, by an insurance policy issued by an insurer as authorized by this code.

2. Except as otherwise provided in subsection 3, a person shall not willfully collect as a premium or charge for insurance any sum in excess of the premium or charge applicable to the insurance and as specified in the policy, in accordance with the applicable classifications and rates as filed with and approved by the commissioner. In cases where classifications, premiums or rates are not required by this code to be so filed and approved, the premiums and charges must not be in excess of those specified in the policy and as fixed by the insurer. This subsection does not prohibit:

(a) The charging and collection [,] by surplus lines brokers licensed under chapter 685A of NRS [,] of the amount [of applicable state and federal taxes and nominal service charge to cover expenses for communication, in addition to the premium required by the insurer.] *permitted by chapter 685A of NRS and regulations adopted by the commissioner.*

(b) The charging and collection [,] by a life insurer [,] of amounts actually to be expended for the medical examination of any applicant for life insurance or for reinstatement of a life insurance policy.

3. The commissioner may adopt regulations to allow the charging and collection of a fee by an insurance broker, consultant or financial planner:

(a) In lieu of any other charge or commission for solicitation, negotiation or procurement of a policy of insurance which covers commercial or business risks;

(b) For consultation or any related advice on the insuring of commercial or business risks which does not result in the procurement of a policy of insurance; and

(c) For consultation or related advice on the purchase of life or health insurance or an annuity, whether or not it results in the purchase of a policy of insurance or annuity. In such a case, the fee must be set forth in a written contract signed by the client before the consultation begins.

4. An agent or broker who provides consultation or related advice pursuant to this section [must] *shall* do so pursuant to a written contract specifying the compensation he will receive. The compensation may be in addition to or in lieu of a commission and is not a premium as defined in NRS 679A.115.".

Amend the bill as a whole by deleting sections 11 and 12 and renumbering sections 13 and 14 as sections 34 and 35.

Amend sec. 13, page 6, lines 36 and 37, by deleting: "*sections 11 and 12*" and inserting "*section 31*".

Amend the bill as a whole by deleting sec. 15 and renumbering sections 16 through 30 as sections 36 through 50.

Amend sec. 18, page 9, line 13, by deleting "*60*" and inserting "*45*".

Amend sec. 18, page 9, line 14, by deleting "*60*" and inserting "*45*".

Amend sec. 18, page 9, line 21, by deleting "*60*" and inserting "*45*".

Amend sec. 19, page 12, line 5, by deleting "*for other*" and inserting "*a*".

Amend sec. 19, page 12, line 6, by deleting "*benefits,*" and inserting "*underwriting basis,*".

Amend sec. 20, page 13, line 3, by deleting "*for other*" and inserting "*a*".

Amend sec. 20, page 13, line 4, by deleting "*benefits,*" and inserting "*underwriting basis,*".

Amend sec. 24, page 14, line 46, after "*or*" and inserting: "*first party coverage under*".

Amend sec. 26, page 15, line 12, by deleting "*25*" and inserting "*45*".

Amend sec. 27, page 15, by deleting lines 41 and 42 and inserting:

"(c) Losses and loss expense reserves [in an amount not less than 60 percent of the amount] *as* required by *subsection 1 of* NRS 681B.050.".

Amend the bill as a whole by renumbering sec. 31 as sec. 54 and adding new sections designated sections 51 through 53, following sec. 30, to read as follows:

"Sec. 51. NRS 695C.210 is hereby amended to read as follows:

695C.210 1. Every health maintenance organization shall file with the commissioner on or before March 1 of each year a report showing its financial condition on the last day of the preceding calendar year. The report must be verified by at least two principal officers of the organization. The organization shall file a copy of the report with the state board of health.

2. The report must be on forms prescribed by the commissioner and must include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) Any material changes in the information submitted pursuant to NRS 695C.070;

(c) The number of persons enrolled during the year, the number of enrollees as of the end of the year, the number of enrollments terminated during the year and, if requested by the commissioner, a compilation of the reasons for such terminations;

(d) The number and amount of malpractice claims initiated against the health maintenance organization and any of the providers used by it during the year broken down into claims with and without form of legal process, and the disposition, if any, of each such claim, if requested by the commissioner;

(e) A summary of information compiled pursuant to paragraph (c) of subsection 2 of NRS 695C.080 in such form as required by the state board of health; and

(f) Such other information relating to the performance of the health maintenance organization as is necessary to enable the commissioner to carry out his duties pursuant to this chapter.

3. Every health maintenance organization shall file with the commissioner annually [a] *an audited* financial statement of the organization [certified] *prepared* by an independent *certified* public accountant. The statement

must cover the preceding 12-month period and must be filed with the commissioner within 90 days after the end of the organization's fiscal year. *Upon written request, the commissioner may grant a 30-day extension.*

4. If an organization fails to file timely the report or financial statement required by this section, it shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The attorney general shall recover the penalty in the name of the State of Nevada.

5. The commissioner may grant a reasonable extension of time for filing the report or financial statement required by this section, if the request for an extension is submitted in writing and shows good cause.

Sec. 52. NRS 695D.260 is hereby amended to read as follows:

695D.260 1. Every organization for dental care shall file with the commissioner on or before March 1 of each year a report covering its activities for the preceding calendar year. The report must be verified by at least two officers of the organization.

2. The report must be on a form prescribed by the commissioner and must include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year.

(b) Any material changes in the information given in the previous report.

(c) The number of members enrolled in that year, the number of members whose coverage has been terminated in that year and the total number of members at the end of the year.

(d) The costs of all goods, services and dental care provided that year.

(e) Any other information relating to the plan for dental care requested by the commissioner.

3. Every organization for dental care shall file with the commissioner [on or before June 1 of each year a financial statement of the organization certified by an independent public accountant.] *annually an audited financial statement prepared by an independent certified public accountant. The statement must cover the most recent fiscal year of the organization and must be filed with the commissioner within 90 days after the end of that fiscal year.*

4. If an organization fails to file timely the report or financial statement required by this section, it shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The attorney general shall recover the penalty in the name of the State of Nevada.

5. The commissioner may grant a reasonable extension of time for filing the report or financial statement required by this section, if the request for an extension is submitted in writing and shows good cause.

6. The organization shall pay the department of taxation the annual tax, any penalty for nonpayment or delinquent payment of the tax imposed in chapter 680B of NRS, and a filing fee of $25 to the commissioner, at the time the annual report is filed.

Sec. 53. NRS 695E.170 is hereby amended to read as follows:

695E.170 1. A risk retention group and its agents and representatives are subject to the provisions of NRS 686A.010 to 686A.310, inclusive. Any injunction obtained pursuant to those sections must be obtained from a court of competent jurisdiction.

2. All premiums paid for coverages within this state to a risk retention group are subject to the provisions of chapter 680B of NRS . [and NRS 685A.180.] Each risk retention group shall report all premiums paid to it [for risks insured within the state, and to the extent that agents or brokers are not utilized or do not pay the taxes, each risk retention group] *and* shall pay the taxes on premiums *and any related fines or penalties* for risks [insured within] *resident, located or to be performed in* the state. [To the extent that agents or brokers are utilized, they shall report and pay the taxes on the premiums for risks that they have placed with or on behalf of a risk retention group not chartered in this state.]".

Amend sec. 31, page 17, by deleting line 28 and inserting: "*commissioner annually an audited financial statement prepared by*".

Amend sec. 31, page 17, line 29, after "*independent*" by inserting "*certified*".

Amend sec. 31, page 17, line 36, by deleting "a report" and inserting: "[a] *the* report".

Amend sec. 31, page 17, by deleting line 37 and inserting: "*or financial statement* required pursuant to this section is not filed after the report *or financial statement* is due, but the fine".

Amend the bill as a whole by renumbering sections 32 and 33 as sections 58 and 59 and adding new sections designated sections 55 through 57.5, following sec. 31, to read as follows:

"Sec. 55. Chapter 696B of NRS is hereby amended by adding thereto a new section to read as follows:

1. The commissioner, as receiver, rehabilitator or liquidator, may appoint one or more special deputies who have all the powers and responsibilities of a receiver, rehabilitator or liquidator, and the commissioner may employ such counsels, clerks and assistants as he considers necessary. The compensation of such special deputies, counsels, clerks and assistants and all expenses of taking possession of the insurer and of conducting the proceedings must be fixed by the commissioner with the approval of the court, and paid out of the money or other assets of the insurer. The persons appointed pursuant to this section serve at the pleasure of the commissioner. The commissioner, as receiver, rehabilitator or liquidator, may, with the approval of the court, appoint an advisory committee of policyholders, claimants or other creditors, including guaranty associations, if he considers such a committee necessary. The committee serves at the pleasure of the commissioner and serves without compensation other than reimbursement for reasonable travel and other expenses. No other committee of any nature may be appointed by the commissioner or the court in proceedings for receivership, rehabilitation or liquidation conducted pursuant to this chapter.

2. *If the property of the insurer does not contain sufficient cash or liquid assets to defray the costs incurred, the commissioner may advance the costs so incurred out of any appropriation for the maintenance of the division. Any amounts so advanced for expenses of administration must be repaid to the commissioner out of the first available money of the insurer.*

Sec. 56. NRS 696B.190 is hereby amended to read as follows:

696B.190 1. The district court shall have original jurisdiction of delinquency proceedings under NRS 696B.010 to 696B.560, inclusive, *and section 55 of this act,* and any court with jurisdiction is authorized to make all necessary or proper orders to carry out the purposes of [such] *those* sections.

2. The venue of delinquency proceedings against a domestic insurer [shall] *must* be in the county in this state of the insurer's principal place of business or, if the principal place of business is located in another state, in any county in this state selected by the commissioner for the purpose. The venue of proceedings against foreign insurers [shall] *must* be in any county in this state selected by the commissioner for the purpose.

3. At any time after commencement of a proceeding, the commissioner or any other party may apply to the court for an order changing the venue of, and removing, the proceeding to any other county of this state in which the proceeding may most conveniently, economically and efficiently be conducted.

4. No court [shall have] *has* jurisdiction to entertain, hear or determine any petition or complaint praying for the dissolution, liquidation, rehabilitation, sequestration, conservation or receivership of any insurer, or for an injunction or restraining order or other relief preliminary, incidental or relating to such proceedings, other than in accordance with NRS 696B.010 to 696B.560, inclusive.

5. An appeal [shall lie] to the supreme court *may be taken* from any court granting or refusing rehabilitation, liquidation, conservation or receivership, and from every order in delinquency proceedings having the character of a final order as to the particular portion of the proceedings embraced therein.

Sec. 57. NRS 628A.010 is hereby amended to read as follows:

628A.010 As used in this chapter, unless the context otherwise requires:

1. "Client" means a person who receives advice from a financial planner.

2. "Compensation" means a fee for services provided by a financial planner to a client or a commission or other remuneration derived by a financial planner from a person other than the client as the result of the purchase of a good or service by the client.

3. "Financial planner" means a person who for compensation advises others upon the investment of money or upon provision for income to be needed in the future, or who holds himself out as qualified to perform either of these functions, but does not include:

(a) An attorney and counselor at law admitted by the supreme court of this state;

(b) A certified public accountant or a public accountant licensed pursuant to NRS 628.190 to 628.310, inclusive, or 628.350;

(c) An investment adviser licensed pursuant to NRS 90.330 or exempt under NRS 90.340; or

(d) An insurance agent or broker licensed pursuant to NRS 683A.090 to 683A.350, inclusive, *or an insurance consultant licensed pursuant to sections 2 to 11, inclusive, of this act,*

whose advice upon investment or provision of future income is incidental to the practice of his profession or business.

Sec. 57.5. Section 34 of Assembly Bill No. 299 of this session is hereby amended to read as follows:

Sec. 34. NRS 695B.320 is hereby amended to read as follows:

695B.320 Nonprofit hospital and medical or dental service corporations are subject to the provisions of this chapter, and to the provisions of chapters 679A and 679B of NRS, NRS 686A.010 to 686A.315, inclusive, and chapters 692C and 696B of NRS, *and sections 2 to 33, inclusive, of this act,* to the extent applicable and not in conflict with the express provisions of this chapter.".

Amend sec. 33, page 17, line 43, by deleting "27" and inserting "47".

Amend sec. 33, page 17, line 46, by deleting "27" and inserting "47".

Amend the bill as a whole by adding a new section designated sec. 60, following sec. 33, to read as follows:

"Sec. 60. 1. This section and sections 12 to 59, inclusive, of this act become effective on October 1, 1995.

2. Sections 1 to 11, inclusive, of this act become effective on January 1, 1996.".

Amend the title of the bill to read as follows:

"An Act relating to insurance; providing for the regulation of insurance consultants; making various other changes to the provisions governing insurance; and providing other matters properly relating thereto.".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 732.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 732:

YEAS—41.

NAYS—None.

Absent—Tiffany.

Assembly Bill No. 732 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 467.

Bill read third time.
Remarks by Assemblyman Stroth.
Roll call on Assembly Bill No. 467:
YEAS—41.
NAYS—None.
Absent—Tiffany.

Assembly Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 520.
Bill read third time.
Remarks by Assemblyman Sandoval.
Assemblyman Arberry moved that Assembly Bill No. 520 be taken from the General File and re-referred to the Committee on Ways and Means.
Motion carried.

Assembly Bill No. 565.
Bill read third time.
Remarks by Assemblymen Batten and Chowning.
Assemblyman Batten moved that Assembly Bill No. 565 be taken from the General File and placed on the Chief Clerk's desk.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 11:36 a.m.

ASSEMBLY IN SESSION

At 11:52 a.m.
Mr. Speaker presiding.
Quorum present.

Assemblyman Batten withdrew his motion.
Assemblyman Batten moved that Assembly Bill No. 565 be taken from the General File and re-referred to the Committee on Ways and Means.
Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 696, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Labor and Management, to which was referred Senate Bill No. 57, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

SANDI KRENZER, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Allard moved that Assembly Bills Nos. 181, 715, 728; Senate Bills Nos. 18, 72, 78, 126, 198, 217, 347, 374, 393, 394, 434, 443, 454, 455, 467, 470, 505, 531, 549 be placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 621.

Bill read third time.

Remarks by Assemblymen Monaghan, Freeman, Mr. Speaker Hettrick, Humke, Carpenter and Anderson.

Roll call on Assembly Bill No. 621:

YEAS—42.

NAYS—None.

Assembly Bill No. 621 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 633.

Bill read third time.

Remarks by Assemblyman Buckley.

Roll call on Assembly Bill No. 633:

YEAS—42.

NAYS—None.

Assembly Bill No. 633 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 636.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 636:

YEAS—42.

NAYS—None.

Assembly Bill No. 636 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 648.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Assembly Bill No. 648:
YEAS—42.
NAYS—None.

Assembly Bill No. 648 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 650.
Bill read third time.
Remarks by Assemblyman Steel.
Roll call on Assembly Bill No. 650:
YEAS—42.
NAYS—None.

Assembly Bill No. 650 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 710.
Bill read third time.
Remarks by Assemblyman Krenzer.
Roll call on Assembly Bill No. 710:
YEAS—42.
NAYS—None.

Assembly Bill No. 710 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Allard moved that all rules be suspended and that Assembly Bills Nos. 467, 621, 633, 636, 648, 650, 710, 732 be immediately transmitted to the Senate.
Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 154.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Senate Bill No. 154:
YEAS—42.
NAYS—None.

Senate Bill No. 154 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 283.
Bill read third time.
Remarks by Assemblymen Lambert and Bennett.

Assemblyman Allard requested that Assemblyman Lambert's remarks be entered in the Journal.

Thank you, Mr. Speaker. Senate Bill No. 283 revises the confidentiality of certain records of the Commission on Mental Health and Mental Retardation. The bill stipulates that a report concerning denial of a claimaint's rights is confidential. In addition, the measure authorizes the commission pursuant to provisions in Nevada's open meeting law to close a portion of a meeting at which it discusses an employee's character or conduct with respect to denial of a client's rights or the care or treatment of a client.

If I might, as a request from my colleague from Assembly District No. 8, read some clarification of legislative intent into the record. The report of denial is still in the client's record of treatment. The client and their attorney can have access to their own records.

Roll call on Senate Bill No. 283:

YEAS—36.

NAYS—Bennett, Carpenter, Ernaut, Krenzer, Price, Steel—6.

Senate Bill No. 283 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 311.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 311:

YEAS—42.

NAYS—None.

Senate Bill No. 311 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 333.

Bill read third time.

Remarks by Assemblyman Fettic.

Roll call on Senate Bill No. 333:

YEAS—42.

NAYS—None.

Senate Bill No. 333 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 344.

Bill read third time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1326.

Amend the title of the bill by deleting the first and second lines and inserting: "An Act relating to the practice of chiropractic; revising the requirements for continu-".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 362.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Senate Bill No. 362:
YEAS—39.
NAYS—None.
Not voting—Close, Goldwater, Harrington—3.

Senate Bill No. 362 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Humke moved that Senate Bill No. 474 be taken from the General File and placed on the Chief Clerk's desk.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 477.
Bill read third time.
Remarks by Assemblymen Monaghan, Giunchigliani, Anderson, Buckley, Price, Steel and Ernaut.
Assemblymen Perkins, Ernaut and Marvel moved the previous question.
Motion carried.
The question being on the passage of Senate Bill No. 477.
Roll call on Senate Bill No. 477:
YEAS—25.
NAYS—Allard, Anderson, Bache, Batten, Bennett, Carpenter, Chowning, Close, Freeman, Giunchigliani, Humke, Manendo, Price, Sandoval, Segerblom, Tripple, Williams—17.

Senate Bill No. 477 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 536.
Bill read third time.
Remarks by Assemblyman Schneider.
Roll call on Senate Bill No. 536:
YEAS—42.
NAYS—None.

Senate Bill No. 536 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 68.
Bill read third time.
Remarks by Assemblymen Price and Carpenter.

Roll call on Senate Bill No. 68:

YEAS—42.

NAYS—None.

Senate Bill No. 68 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 229.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 229:

YEAS—42.

NAYS—None.

Senate Bill No. 229 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 231.

Bill read third time.

Remarks by Assemblymen Ohrenschall, Sandoval, Freeman, Anderson, Perkins, Batten and Chowning.

Assemblyman Chowning moved that Senate Bill No. 231 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 349.

Bill read third time.

Remarks by Assemblyman Allard.

Roll call on Senate Bill No. 349:

YEAS—41.

NAYS—None.

Not voting—Ernaut.

Senate Bill No. 349 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 378.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 378:

YEAS—42.

NAYS—None.

Senate Bill No. 378 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 424.

Bill read third time.

Remarks by Assemblyman Ohrenschall.

Roll call on Senate Bill No. 424:

YEAS—42.

NAYS—NONE.

Senate Bill No. 424 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 433.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 433:

YEAS—42.

NAYS—None.

Senate Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 462.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Bill No. 462:

YEAS—42.

NAYS—None.

Senate Bill No. 462 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 475.

Bill read third time.

Remarks by Assemblyman Batten.

Roll call on Senate Bill No. 475:

YEAS—42.

NAYS—None.

Senate Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:07 p.m.

ASSEMBLY IN SESSION

At 1:30 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 622, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 464, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 26, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 307 and requests a conference, and appointed Senators Rhoads, McGinness and Regan as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 594 and requests a conference, and appointed Senators Lowden, Townsend and Regan as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 572.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 237, 243, 482, 485, 550.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendment to Senate Bill No. 332.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Augustine, Lowden and Neal as a first Committee on Conference concerning Senate Bill No. 298.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen de Braga, Carpenter and Neighbors as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 307.

Mr. Speaker appointed Assemblymen Ernaut, Buckley and Perkins as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 594.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 237.

Assemblyman Allard moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

Senate Bill No. 243.

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

Motion carried.

Senate Bill No. 482.

Assemblyman Allard moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 485.

Assemblyman Allard moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 550.

Assemblyman Allard moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

Senate Bill No. 572.

Assemblyman Allard moved that the bill be referred to the Committee on Taxation.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Concurrent Committee on Elections and Procedures, to which was referred Assembly Bill No. 695, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JACK D. CLOSE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 695, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 181.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 715.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 728.

Bill read second time.

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

Amendment No. 1335.

Amend sec. 2, page 1, line 5, by deleting: "*354.6245, 387.303 or 387.325*" and inserting: "*354.6245 or 387.303*".

Amend sec. 2, page 1, by deleting lines 22 and 23 and inserting: "*the local government is otherwise entitled to receive such a distribution or of the Local School Support Tax if the local government is a school district. Upon*".

Amend sec. 3, page 2, line 4, by deleting: "*of severe financial emergency*".

Amend sec. 3, page 3, line 8, after "2." by inserting: "*In addition to any notice otherwise required, the department shall give notice of any hearing held pursuant to subsection 1 to the governing body of each local government whose jurisdiction overlaps with the jurisdiction of the local government whose financial condition will be considered at least 10 days before the date on which the hearing will be held.*

3.".

Amend sec. 3, page 3, by deleting lines 12 and 13 and inserting: "*hold a hearing at which the department, the local government whose financial condition will be considered and each local government whose jurisdiction overlaps with the jurisdiction of the local government whose financial condition will be considered are afforded an opportunity to be heard. If, after the hearing, the*".

Amend sec. 4, page 4, line 11, after "*government*" by inserting: "*in which the severe financial emergency exists*".

Amend sec. 4, page 4, line 12, after the period by inserting: "*In addition to the public notice, the Nevada tax commission shall give notice to the governing body of each local government whose jurisdiction overlaps with the jurisdiction of the local government in which the severe financial emergency exists.*".

Amend sec. 4, page 4, line 18, after "*government*" by inserting: "*in which the severe financial emergency exists*".

Amend the bill as a whole by renumbering sections 11 through 16 as sections 12 through 17 and adding a new section designated sec. 11, following sec. 10, to read as follows:

"Sec. 11. NRS 387.303 is hereby amended to read as follows:

387.303 1. Not later than November 15 of each year, the board of trustees of each school district shall submit to the superintendent of public instruction *and the department of taxation* a report which includes the following information:

(a) For each fund within the school district, including , without limitation, the school district's general fund and any special revenue fund which receives state money, the total number and salaries of licensed and nonlicensed persons whose salaries are paid from the fund and who are employed by the school district in full-time positions or in part-time positions added together to represent full-time positions. Information must be provided for the current school year based upon the school district's final budget, including any amendments and augmentations thereto, and for the preceding school year. An employee must be categorized as filling an instructional, administrative, instructional support or other position.

(b) The count of pupils computed pursuant to paragraph (a) of subsection 1 of NRS 387.1233.

(c) The average daily attendance for the preceding school year and the estimated average daily attendance for the current school year of part-time pupils enrolled in courses which are approved by the department as meeting the requirements for an adult to earn a high school diploma.

(d) The school district's actual expenditures in the fiscal year immediately preceding the report.

(e) The school district's proposed expenditures for the current fiscal year.

(f) The salary schedule for licensed employees in the current school year and a statement of whether salary negotiations for the current school year have been completed. If salary negotiations have not been completed at the time the salary schedule is submitted, the board of trustees shall submit a supplemental report to the superintendent upon completion of negotiations or the determination of an arbitrator concerning the negotiations that includes the salary schedule agreed to or required by the arbitrator.

(g) The number of employees eligible for health insurance within the school district for the current and preceding fiscal years and the amount paid for health insurance for each such employee during those years.

(h) The rates for fringe benefits, excluding health insurance, paid by the school district for its licensed employees in the preceding and current fiscal years.

(i) The amount paid for extra duties, supervision of extracurricular activities and supplemental pay, and the number of employees receiving that pay in the preceding and current fiscal years.

2. On or before November 25 of each year, the superintendent of public instruction shall submit to the department of administration and the fiscal analysis division of the legislative counsel bureau, in a format approved by the director of the department of administration, a compilation of the reports made by each school district pursuant to subsection 1.

3. The superintendent shall, in the compilation required by subsection 2, reconcile the revenues and expenditures of the school districts with the apportionment received by those districts from the state distributive school account for the preceding year.".

Amend the bill as a whole by renumbering sec. 17 as sec. 19 and adding a new section designated sec. 18, following sec. 16, to read as follows:

"Sec. 18. Any local government which was deemed to be in a condition of severe financial emergency pursuant to subsection 1 of section 4 of Assembly Bill No. 536 of this session, before the amendment of that section by section 15 of this act, is hereby deemed to have been determined by the Nevada tax commission to be a local government in which a severe financial emergency exists pursuant to section 3 of this act.".

Amend sec. 17, page 11, by deleting line 48 and inserting:

"Sec. 19. 1. This section and sections 1 to 7, inclusive, and 9 to 18, inclusive, of this act become effective on July 1, 1995.".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 18.

Bill read second time and ordered to third reading.

Senate Bill No. 72.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1156.

Amend sec. 4, page 1, line 20, after "physician" by inserting: "or an advanced practitioner of nursing".

Amend sec. 7, page 2, by deleting line 16 and inserting: "tory care only under the supervision of a practitioner of respiratory care.".

Amend sec. 7, page 2, line 17, by deleting "who is:" and inserting "who:".

Amend sec. 7, page 2, line 18, by deleting "Enrolled" and inserting "Is enrolled".

Amend sec. 7, page 2, line 19, by deleting "and".

Amend sec. 7, page 2, by deleting lines 20 and 21 and inserting:

"(b) Is employed by a medical facility, as defined in NRS 449.0151; and

(c) Provides respiratory care to patients who are not in a critical medical condition or, in an emergency, to patients who are in a critical medical condition only if a practitioner of respiratory care is not immediately available to provide that care and the student is directed by a physician to provide respiratory care under his supervision until a practitioner is available.".

Amend sec. 7, page 2, by deleting lines 32 and 33 and inserting:

"7. A cardiopulmonary perfusionist who is under the supervision of a surgeon or an anesthesiologist.

8. A person who is employed by a physician and provides respiratory care under the supervision of that physician.

9. The maintenance of medical equipment that is not attached to a patient.

10. A person who installs medical equipment used in the home and gives.".

Amend sec. 9, page 3, line 16, by deleting "6" and inserting "12".

Assemblyman Allard moved the adoption of the amendment.

Remarks by Assemblyman Allard.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 78.

Bill read second time and ordered to third reading.

Senate Bill No. 126.

Bill read second time and ordered to third reading.

Senate Bill No. 198.

Bill read second time and ordered to third reading.

Senate Bill No. 217.

Bill read second time and ordered to third reading.

Senate Bill No. 347.

Bill read second time and ordered to third reading.

Senate Bill No. 374.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1324.

Amend section 1, page 2, by deleting lines 3 through 9 and inserting: "purposes of this subsection, "peace officer" means:

(a) An employee of the department of prisons who does not exercise general control over offenders imprisoned within the institutions and facilities of the department but whose normal duties require him to come into contact with those offenders, when carrying out the duties prescribed by the director of the department.

(b) Any person upon whom some or all of the powers of a peace officer are conferred pursuant to NRS 281.0311 to 281.0353, inclusive, when carrying out those powers.".

Amend section 1, page 2, line 15, after "11." by inserting: "The murder was committed upon a person because of the actual or perceived race, color, religion, national origin or sexual orientation of that person.

12.".

Amend sec. 3, page 2, line 22, by deleting "12:01" and inserting "12:02".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 393.

Bill read second time and ordered to third reading.

Senate Bill No. 394.

Bill read second time and ordered to third reading.

Senate Bill No. 434.

Bill read second time and ordered to third reading.

Senate Bill No. 443.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1256.

Amend sec. 3, page 1, line 11, after "*which*" by inserting: "*he provides as*".

Amend sec. 3, page 1, line 12, by deleting "*provides*".

Amend sec. 3, page 1, line 19, by deleting "*and*".

Amend sec. 3, page 1, line 21, by deleting the period and inserting: "*; and*

(c) Has provided evidence that he has filed with the commission a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every common and contract motor carrier pursuant to the provisions of NRS 706.291.".

Amend sec. 18, page 5, line 1, after "provisions of" by inserting: "paragraph (a) of subsection 1 of".

Amend sec. 18, page 5, line 3, by deleting "October" and inserting "July".

Amend sec. 19, page 5, line 5, by deleting "October" and inserting "July".

Amend sec. 19, page 5, line 8, by deleting "October" and inserting "July".

Assemblyman Batten moved the adoption of the amendment.

Remarks by Assemblyman Batten.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 454.

Bill read second time and ordered to third reading.

Senate Bill No. 455.

Bill read second time and ordered to third reading.

Senate Bill No. 467.

Bill read second time and ordered to third reading.

Senate Bill No. 470.

Bill read second time and ordered to third reading.

Senate Bill No. 505.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1292.

Amend sec. 2, page 1, by deleting lines 3 through 26 and inserting:

"Sec. 2. *1. No cause of action arises, nor may any liability be imposed against any person for the act of communicating or delivering information or data to the commissioner or his authorized representative or examiner pursuant to an examination made under this chapter, if the act of communication or delivery was performed in good faith and without fraudulent intent, the intent to deceive or gross negligence.*

2. The commissioner, his authorized representative or any examiner appointed by him is entitled to an award of attorney's fees and costs if he is the prevailing party in a civil cause of action for libel, slander or any other relevant tort arising out of activities in carrying out the provisions of NRS 679B.230 to 679B.300, inclusive, and the party bringing the action was not substantially justified in doing so. For the purposes of this subsection, an action is "substantially justified" if it had a reasonable basis in law or fact at the time that it was brought.".

Amend sec. 9, page 5, line 44, after "*determines*" by inserting: "*after a hearing*".

Amend the bill as a whole by deleting sec. 74 and inserting:

"Sec. 74. (Deleted by amendment.)".

Amend sec. 81, page 27, by deleting lines 40 and 41 and inserting:

"*(d) An agreement for management.*".

Amend sec. 88, page 30, line 33, by deleting the bracket.

Amend sec. 88, page 30, by deleting lines 34 and 35.

Amend sec. 88, page 30, line 36, by deleting "*5.*" and inserting "[3.] *5.*".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 531.

Bill read second time and ordered to third reading.

Senate Bill No. 549.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 52.

The following Senate amendment was read:

Amendment No. 1152.

Amend section 1, page 1, line 2, by deleting "13," and inserting "11,".

Amend sec. 2, page 1, line 3, by deleting "*13,*" and inserting "*11,*".

Amend sec. 7, page 2, line 10, by deleting: "*to 12, inclusive,*" and inserting "*and 10*".

Amend sec. 7, page 2, by deleting line 32 and inserting: "*trative officer of the municipality certifies in writing that the*".

Amend sec. 7, page 2, line 36, by deleting: "*and chief financial*".

Amend sec. 7, page 2, by deleting line 37 and inserting: "*of the municipality certifies in writing that the use of a negotiated sale may provide*".

Amend sec. 7, page 2, line 43, by deleting: "*and chief financial officer*".

Amend sec. 7, page 2, by deleting line 44 and inserting: "*certifies in writing.*".

Amend sec. 7, page 3, by deleting line 8 and inserting: "*pursuant to subsection 2 must be submitted to the governing body of the municipality at a regularly scheduled meeting of that body and include:*".

Amend sec. 10, page 5, line 1, by deleting: "*and chief financial officer*".

Amend the bill as a whole by deleting sections 11 and 12 and renumbering sections 13 through 19 as sections 11 through 17.

Amend sec. 13, page 5, line 32, by deleting "*13,*" and inserting "*11,*".

Amend sec. 14, page 5, line 40, by deleting "*13,*" and inserting "*11,*".

Amend sec. 15, page 6, line 3, by deleting "*13,*" and inserting "*11,*".

Amend sec. 16, page 6, line 15, by deleting "*13,*" and inserting "*11,*".

Amend sec. 17, page 6, line 27, by deleting "*13,*" and inserting "*11,*".

Amend sec. 19, page 7, line 32, by deleting "17" and inserting "15".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 52.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Allard moved that Assembly Bill No. 696; Senate Bill No. 464 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 696.

Bill read second time.

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

Amendment No. 1054.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any license tax:

(a) Which is levied by a city located in a county whose population is 400,000 or more against any lawful trade, calling, industry, occupation, profession or business conducted in that city;

(b) Whose proceeds are pledged for the payment of any bonds or other obligations issued pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive; and

(c) Which is being collected by the city on January 1, 1995,

must continue to be levied, collected and transmitted to the county fair and recreation board created pursuant to NRS 244A.599 as long as any of the bonds or other obligations issued pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive, remain outstanding and unpaid.

2. The proceeds of the license tax must be used by the county fair and recreation board for the purposes set forth in NRS 244A.597 to 244A.655, inclusive, including the payment of any bonds or other obligations issued pursuant to those provisions, and may be irrevocably pledged by the county fair and recreation board to the payment of bonds or other obligations issued pursuant to those provisions.".

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any license tax:

(a) Which is levied by a county whose population is 400,000 or more against any lawful trade, calling, industry, occupation, profession or business conducted in the county and located in an unincorporated area within the county;

(b) Whose proceeds are pledged for the payment of any bonds or other obligations issued pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive; and

(c) Which is being collected by the county on January 1, 1995,

must continue to be levied, collected and transmitted to the county fair and recreation board created pursuant to NRS 244A.599 as long as any of the bonds or other obligations issued pursuant to the provisions of NRS 244A.597 to 244A.655, inclusive, remain outstanding and unpaid.

2. The proceeds of the license tax must be used by the county fair and recreation board for the purposes set forth in NRS 244A.597 to 244A.655, inclusive, including the payment of any bonds or other obligations issued pursuant to those provisions, and may be irrevocably pledged by the county fair and recreation board to the payment of bonds or other obligations issued pursuant to those provisions.''.

Amend the title of the bill to read as follows:

''An Act relating to taxation; requiring certain cities and counties to continue to levy and collect certain license taxes which are pledged for the payment of certain bonds and other obligations and transmit those taxes to the county fair and recreation board; requiring a newly incorporated city or town to collect certain license taxes levied by the county which are pledged for the payment of certain bonds and other obligations issued after the incorporation of the city or town; and providing other matters properly relating thereto.''.

Amend the summary of the bill to read as follows:

''Summary—Revises provisions relating to collection of certain license taxes. (BDR 21-2037)''.

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 464.

Bill read second time and ordered to third reading.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 4, 293, 341, 364, 373, 414, 438, 440, 489, 504, 534, 598, 667, 697, 698, 721; Assembly Joint Resolutions Nos. 41, 42; Senate Bills Nos. 128, 190, 272, 340, 473, 503, 504, 518, 553.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Dini, the privilege of the floor of the Assembly Chamber for this day was extended to Jennifer Dini, Christina Dini, Gretchen Dini and George Dini.

On request of Assemblyman Giunchigliani, the privilege of the floor of the Assembly Chamber for this day was extended to Bill Hernstadt.

On request of Assemblyman Goldwater, the privilege of the floor of the Assembly Chamber for this day was extended to Dan Tuntland.

On request of Assemblyman Krenzer, the privilege of the floor of the Assembly Chamber for this day was extended to Lisa Menath, Jacob Menath, Scotty Menath and Matt Seaman.

Assemblyman Allard moved that the Assembly adjourn until Tuesday, June 27, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 1:59 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-THIRD DAY

CARSON CITY (Tuesday), June 27, 1995

Assembly called to order at 11:23 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Al Tilstra.

O Lord, let us not be content to wait and see what will happen, but give us the determination to make the right things happen. While time is running out, save us from impatience which is akin to cowardice. Give us the courage to be either hot or cold, "to stand for something, lest we fall for anything."

In Your Name we pray. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 390, 414, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was re-referred Assembly Bill No. 288, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 234, 358, 482, 497, 498, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 519, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 649, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Commerce, to which was referred Assembly Bill No. 331, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 26, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 410, 524.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 132, 279, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Assembly Concurrent Resolutions Nos. 14, 42, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 510, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 11, which is attached to and hereby made a part of this report.

DAVID E. GOLDWATER	MIKE MCGINNESS
BRIAN E. SANDOVAL	JON C. PORTER
MICHAEL A. SCHNEIDER	ERNEST E. ADLER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 11.

Amend sec. 2, page 2, by deleting lines 34 through 37 and inserting:

"*7. The association shall provide written notice to the owner of each unit of a meeting at which an assessment for a capital improvement is to be considered or action is to be taken on such an assessment at least 21 calendar days before the meeting.*".

Amend the title of the bill by deleting the second through the fourth lines and inserting: "notification by associations of units' owners of common-interest communities; and providing other matters".

Amend the summary of the bill to read as follows:

"Summary—Increases requirements of disclosure and notification by associations of units' owners of common-interest communities. (BDR 10-47)".

Assemblyman Goldwater moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 510.

Remarks by Assemblyman Goldwater.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 298, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 12, which is attached to and hereby made a part of this report.

LARRY SPITLER	KATHY AUGUSTINE
SANDRA J. TIFFANY	SUE LOWDEN
MICHAEL A. SCHNEIDER	JOSEPH M. NEAL, JR.
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 12.

Amend sec. 2, page 1, by deleting lines 14 through 16 and inserting: "*patient electronically, telephonically or by fiber optics.*".

Assemblyman Spitler moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 298.

Remarks by Assemblyman Spitler.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 152.

The following Senate amendment was read:

Amendment No. 1197.

Amend sec. 5, page 3, by deleting line 43 and inserting:

"*7. Upon request by a party, the division shall provide a statement to the party indicating the amount of the fees for a mediator or an arbitrator selected or appointed pursuant to this section.*

8. As used in this section, "geographic area" means an area within 150".

Amend sec. 6, page 4, line 4, by deleting "*and arbitration*" and inserting "*or arbitration*".

Amend sec. 6, page 4, by deleting lines 9 through 11 and inserting: "*qualified persons maintained by any organization which provides mediation or arbitration services. Before including a mediator or arbitrator on a list estab-*".

Amend sec. 6, page 4, line 14, by deleting "*and arbitrators*" and inserting "*or arbitrators*".

Amend sec. 10, page 5, line 23, by deleting "*alteration.*" and inserting: "*alteration, but the amount so released must not exceed the amount due the declarant from the purchaser at the time of the release or the amount expended by the declarant for that purpose, whichever is less.*".

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

"Sec. 11. This act becomes effective on January 1, 1996.".

Amend the title of the bill to read as follows:

"An Act relating to real property; requiring the arbitration or mediation of certain claims relating to residential property; amending the Uniform Common-Interest Ownership Act to allow a declarant to furnish a bond in

lieu of placing certain deposits made in connection with the purchase or reservation of a unit into escrow; and providing other matters properly relating thereto.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 152.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 416 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 474 be taken from the Chief Clerk's desk and placed on the General File immediately following Senate Bill No. 416.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 383.

The following Senate amendment was read:

Amendment No. 919.

Amend section 1, page 1, line 4, by deleting: "*musician or dancer.*" and inserting: "*musician, dancer or athlete.*".

Amend section 1, page 1, by deleting line 6 and inserting: "sion program using [actors, musicians, dancers or any other] artists".

Amend section 1, page 1, line 7, by deleting "*persons*".

Assemblyman Krenzer moved that the Assembly concur in the Senate amendment to Assembly Bill No. 383.

Remarks by Assemblyman Krenzer.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 279.

The following Senate amendment was read:

Amendment No. 1240.

Amend the bill as a whole by deleting sections 1 through 8 and adding new sections designated sections 1 through 9 and the text of repealed sections, following the enacting clause, to read as follows:

"Section 1. Chapter 218 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The legislative counsel shall honor only the number of requests for the drafting of a bill or a resolution for a regular legislative session which are authorized pursuant to this section.

2. When the legislature is not in regular session:

(a) Each incumbent or newly elected assemblyman is entitled to request 10 measures before the next regular session begins.

(b) Each incumbent or newly elected senator is entitled to request 20 measures before the next regular session begins.

(c) The chairman of each standing committee of the last regular session, or a person designated in the place of the chairman by the speaker of the assembly or the majority leader of the senate, as the case may be, is additionally entitled to request before the next regular session 1 measure in a subject within the scope of the committee for introduction by the committee for every 10 measures that were referred to the respective standing committee during the last regular session. A person designated after a general election as a chairman of a standing committee for the next regular legislative session, or a person designated in the place of a chairman by the person designated as the speaker of the assembly or majority leader of the senate for the next regular legislative session, is entitled to request the remaining number of measures allowed for the respective standing committee that were not requested by the previous chairman or designee.

3. During a regular legislative session the legislative counsel shall honor not more than 5 requests from each assemblyman and not more than 10 requests from each senator for the drafting of a bill or resolution, unless the request is submitted pursuant to subsection 4 or is approved by:

(a) A two-thirds vote of the members present in the house where it is to be introduced; or

(b) A standing committee of that house if the request was approved by two-thirds of all of the members of the committee before the request was submitted to the legislative counsel. A standing committee may only approve a request for the drafting of a bill or resolution pursuant to this paragraph if the request is within the jurisdiction of the standing committee.

4. In addition to the number otherwise authorized by this section:

(a) The chairman of the legislative commission is entitled to request 15 measures for a regular legislative session with the approval of the commission for matters relating to the affairs of the legislature or its employees, including measures requested by legislative staff.

(b) The chairman of the interim finance committee is entitled to request 10 measures for a regular legislative session with the approval of the committee for matters within the scope of the committee.

(c) The speaker of the assembly and the majority leader of the senate are each entitled to request 15 measures for a regular legislative session, and the minority leader of the assembly and the minority leader of the senate are each entitled to request 10 measures for a regular legislative session. A person designated after a general election as the speaker of the assembly, the majority leader of the senate, the minority leader of the assembly or the minority leader of the senate for the next regular legislative session, is entitled to request the remaining number of measures allowed for the respective officer that were not requested by the previous officer.

5. There are no limitations upon the number of measures which may be recommended by interim legislative studies or requested by standing or special committees of the legislature.

Sec. 2. NRS 218.240 is hereby amended to read as follows:

218.240 1. The legislative counsel and the legal division of the legislative counsel bureau shall prepare and assist in the preparation and amendment of legislative measures when requested [or upon suggestion] as provided in NRS 218.240 to 218.255, inclusive [.] , *and section 1 of this act.* Except as otherwise provided in [subsection 2,] *those provisions,* the legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation and amendment of *any* legislative measures . [directly submitted or requested by a natural person, corporation, firm, association or other entity, including an organization that represents governmental agencies, unless the requester, or if the requester is a natural person the office or other position held by the person, is created by the constitution or laws of this state.

2. The legislative commission may authorize an entity that is not otherwise authorized pursuant to NRS 218.240 to 218.255, inclusive, to request the preparation of legislative measures to submit requests directly to the legislative counsel and the legal division of the legislative counsel bureau. The legislative commission shall not authorize an entity to request the preparation of more than 10 measures pursuant to this subsection.

3.] 2. The legislative counsel shall give consideration to and service concerning any measure before the legislature which is requested by the [governor, the] senate or assembly, or any committee of the legislature having the measure before it for consideration.

[4.] *3.* The legislative counsel may deliver to the superintendent of the state printing and micrographics division of the department of administration and request that he print or preset the type for printing a legislative measure before its introduction upon the consent of the person [or persons] requesting the measure [. If the measure has been requested by a legislator,] , *and* the superintendent shall promptly comply with this request.

Sec. 3. NRS 218.242 is hereby amended to read as follows:

218.242 Upon request, within *the* limits established by [the legislature by concurrent resolution,] *section 1 of this act,* the legislative counsel shall assist any legislator in the preparation of bills and resolutions, drafting them in proper form, and furnishing the legislator the fullest information upon all matters within the scope of his duties. The legislative counsel shall, insofar as is possible, act upon all legislators' requests for legislative measures in the order in which they are received. To assure the greatest possible equity in the handling of requests, drafting must proceed as follows:

1. If he so desires, a legislator may designate a different priority for his bills and resolutions which the legislative counsel shall observe, insofar as is possible.

2. The drafting of requests for legislative measures from chairmen or members of standing committees or special committees, on behalf of those

committees, must not, except where urgency is recognized, take precedence over the priority established or designated for individual legislators' bills and resolutions.

Sec. 4. NRS 218.255 is hereby amended to read as follows:

218.255 1. Before a legal description of land is submitted to the legislature [or the legislative counsel bureau by any state agency or department] in connection with a proposed legislative measure for the acquisition or disposition of state lands, the state land registrar shall attach a certificate verifying the completeness and accuracy of the description.

2. The certificate shall include the statement, "The attached or foregoing description has been verified as being a complete and accurate legal description of the land involved in the proposed transaction." The certificate [shall] *must* be signed by the person who actually examined and verified the description as well as by the administrator.

3. The legislative counsel shall note in the summary of the bill that the description is verified or report this fact specially to the legislative commission.

Sec. 5. NRS 218.2755 is hereby amended to read as follows:

218.2755 1. After a bill or joint resolution has been drafted, the fiscal analysis division shall inform the requester that a fiscal note is required when the draft is submitted to the requester for review. If the requester so directs, the fiscal analysis division shall promptly determine the agency to which the bill or joint resolution should be submitted and shall submit it for a fiscal note. If the requester [is a legislator and] desires to introduce the bill or joint resolution without a fiscal note, he may do so, but when the bill is introduced, the fiscal analysis division shall promptly determine the agency to which the bill or joint resolution is to be submitted and shall forward it to the agency to obtain the fiscal note.

2. The agency shall prepare the note in quadruplicate and return it within the required time to the fiscal analysis division.

Sec. 6. NRS 281.1575 is hereby amended to read as follows:

281.1575 1. The commission shall:

(a) Review the compensation paid to constitutional officers, supreme court justices, district judges and elected county officers.

(b) Review the compensation paid to the members of the legislature during and between legislative sessions.

(c) Hold public hearings to discuss the issues and receive public comment.

(d) If it determines that changes in legislation are required, [request the assistance of the legislative counsel in the preparation of a bill draft on or before November 15 of each even-numbered year. Upon completion of the bill draft, the legislative counsel shall deliver the bill draft to the appropriate standing committee of the assembly or senate within the first week of the next regular legislative session for introduction.] *recommend those changes to the legislature.*

2. In reviewing the issues of compensation required by subsection 1, the commission shall:

(a) Compare the current salaries of persons with similar qualifications who are employed by the State of Nevada and in the public sector;

(b) Determine the minimum salary required to attract and retain experienced and competent persons; and

(c) Consider the average number of days that legislators serve during their term, the amount of work required of legislators when the legislature is not in regular session, and the opportunities they have to earn additional income from outside sources.

3. The commission may recommend that any increase in the compensation of a county officer apply retroactively if not prohibited by law.

Sec. 7. NRS 353.205 is hereby amended to read as follows:

353.205 The state budget for each fiscal year must be set up in three parts:

1. Part 1 must consist of a budget message by the governor which outlines the financial policy of the executive department of the state government for the next 2 fiscal years, describing in connection therewith the important features of the financial plan. It must also embrace a general budget summary setting forth the aggregate figures of the budget in such a manner as to show the balanced relations between the total proposed expenditures and the total anticipated revenues, together with the other means of financing the budget for the next 2 fiscal years, contrasted with the corresponding figures for the last completed fiscal year and fiscal year in progress. The general budget summary must be supported by explanatory schedules or statements, classifying the expenditures contained therein by organizational units, objects and funds, and the income by organizational units, sources and funds.

2. Part 2 must embrace the detailed budget estimates both of expenditures and revenues as provided in NRS 353.150 to 353.246, inclusive. The information must be presented in a manner which sets forth separately the cost of continuing each program at the same level of service as the current year and the cost, by budget issue, of any recommendations to enhance or reduce that level of service. Revenues must be summarized by type and expenditures must be summarized by category of expense. Part 2 must include a mission statement and measurement indicators for each program. It must also include statements of the bonded indebtedness of the state government, showing the requirements for redemption of debt, the debt authorized and unissued, and the condition of the sinking funds, and any statements relative to the financial plan which the governor may deem desirable, or which may be required by the legislature.

3. Part 3 must include *a recommendation to the legislature for* the *drafting of a* general appropriation bill authorizing, by departments, institutions and agencies, and by funds, all expenditures of the executive department of the state government for the next 2 fiscal years, and may include [complete drafts] *recommendations to the legislature for the drafting* of such other bills as may be required to provide the income necessary to finance the budget and to give legal sanction to the financial plan if adopted by the legislature.

As soon as each part is prepared, a copy of the part must be transmitted to the fiscal analysis division of the legislative counsel bureau for confidential examination and retention.

Sec. 8. NRS 353.230 is hereby amended to read as follows:

353.230 1. The chief shall review the estimates, altering, revising, increasing or decreasing the items of the estimates as he may deem necessary in view of the needs of the various departments, institutions and agencies in the executive department of the state government and the total anticipated income of the state government and of the various departments, institutions and agencies thereof during the next fiscal year. In performing the duties required by this subsection, the chief shall use the projections and estimates prepared by the economic forum pursuant to NRS 353.228.

2. A fiscal analyst of the legislative counsel bureau or his designated representative shall meet with the chief and participate in the budget review and shall have full access to all materials connected with the review.

3. The chief shall then prepare a budget, in accordance with NRS 353.150 to 353.246, inclusive, and shall deliver it to the governor. All revenue projections and any other information concerning future state revenue contained in the budget must be based upon the projections and estimates prepared by the economic forum pursuant to NRS 353.228. The governor shall transmit the budget to the legislature not later than the 10th day of the regular legislative session. The governor shall simultaneously submit, as a separate document:

(a) An analysis of any new programs or enhancements of existing programs being recommended; and

(b) Any increase in or new revenues which are being recommended in the budget.

The document must specify the total cost by department or agency of new programs or enhancements, but need not itemize the specific costs. All revenue projections and any other information concerning future state revenue contained in the document must be based upon the projections and estimates prepared by the economic forum pursuant to NRS 353.228.

4. During the consideration of the general appropriation bill [, the] *and any* special appropriation bills and [the] bills authorizing budgeted expenditures by the departments, institutions and agencies operating on money designated for specific purposes by the constitution or otherwise, *drafted at the request of the legislature upon the recommendations* submitted by the governor with the budget, the governor or his representative have the right to appear before and be heard by the appropriation committees of the legislature in connection with the appropriation bill or bills, and to render any testimony, explanation or assistance required of him.

Sec. 9. NRS 218.241, 218.245, 218.247 and 218.248 are hereby repealed.

TEXT OF REPEALED SECTIONS

218.241 Drafting of bills for agency or officer of executive branch of state government or local government. Upon request made within the time allowed and within limits established by the legislature by concurrent

resolution, the legislative counsel shall advise any agency or officer of the executive branch of the state government, and may advise any local government, as to the preparation of measures to be submitted to the legislature. To assure the greatest possible equity in the handling of requests, drafting must proceed as follows:

1. Requests for legislative measures from each agency or officer of the executive branch of the state government or local government must, insofar as is possible, be acted upon in the order in which they are received, unless a different priority is designated by the requester.

2. As soon as an agency or officer of the executive branch of the state government or a local government has requested 10 bills for any session the legislative counsel may request the agency, officer or local government to designate the priority for each succeeding request.

3. The priority so designated must guide the legislative counsel in acting upon the requests of the respective agencies and officers of the executive branch of the state government to ensure each agency and officer, and each local government among themselves, as nearly as is possible, an equal rank.

218.245 Limitations on drafting of bills by legislative counsel and legal division of legislative counsel bureau.

1. Except as otherwise provided in subsections 2 and 5, the legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation of proposed legislation for any agency or officer of the executive branch of the state government or for a local government before a regular session of the legislature unless the request is approved by the governor or a designated member of his staff, or the responsible officer of a local government, and transmitted to the legislative counsel before September 1 preceding the convening of the session.

2. A request for proposed legislation may be submitted to the legislative counsel by the board of regents, lieutenant governor, secretary of state, attorney general, state controller or state treasurer without the approval of the governor or a designated member of his staff.

3. After November 1, preceding a legislative session, the legislative counsel and the legal division of the legislative counsel bureau shall give full priority to the preparation of proposed legislation requested by members of the legislature.

4. The legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation of any proposed legislation during any regular session of the legislature except upon the request of a member of the legislature or the personal written request of the governor.

5. An agency or officer of the executive branch of the state government or a local government, shall not request a legislator to have legislation drafted on its behalf. The legislative commission, when the legislature is not in session, or a standing committee which has jurisdiction of the subject matter when the legislature is in session, may, if it finds that exceptional circumstances so warrant, authorize the drafting of legislation requested after the time limited by subsection 1.

218.247 Preparation of legislative measures for judiciary by legislative counsel and legal division of legislative counsel bureau.

1. The legislative counsel and the legal division of the legislative counsel bureau shall prepare and assist in the preparation and amendment of legislative measures at the written suggestion of any justice of the supreme court or judge of a district court, within limits established by the legislature by concurrent resolution.

2. Every suggestion of a judge must set forth the substance of the provisions desired or which may be needed with the reasons therefor.

3. The legislative counsel and the legal division of the legislative counsel bureau shall prepare a measure in accordance with the suggestion of a judge, and shall transmit it to the chairman of the committee on judiciary of each house at the next regular session of the legislature.

218.248 Payment for services of legal division in preparation of certain legislative measures.

1. The legislative counsel shall keep a record of the hours expended by personnel of the legal division of the legislative counsel bureau to prepare legislative measures requested by any state agency, officer of the executive branch of state government or any justice of the supreme court or judge of a district court.

2. The record of total hours must be furnished to the chief of the administrative division who shall send to each such requesting agency, officer, justice or judge a claim stating the amount of charges for such preparation. The claim must be paid to the legislative counsel bureau as other claims against the state are paid.

3. The rates to be charged for the services of the legal division of the legislative counsel bureau must be determined by the legislative commission.

4. All money received by the legislative counsel bureau pursuant to this section must be deposited in the legislative fund.''.

Amend the title of the bill to read as follows:

''An Act relating to the state legislature; limiting the sources and number of requests which may be submitted to the legislative counsel for the preparation of legislative measures; and providing other matters properly relating thereto.''.

Amend the summary of the bill to read as follows:

''Summary—Limits sources and number of requests which may be submitted to legislative counsel for preparation of legislative measures. (BDR 17-1366)''.

Assemblyman Close moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 279.

Remarks by Assemblyman Close.

Motion carried.

Bill ordered transmitted to the Senate.

GENERAL FILE AND THIRD READING

Senate Bill No. 416.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1280.

Amend sec. 44, page 16, line 13, by deleting "5. A" and inserting "*5. A*".

Amend sec. 181, page 73, by deleting line 7 and inserting:

"Sec. 181. *1. A conviction under NRS 207.010, section 180 of this act or section 2 of Assembly Bill No. 570 of this session*".

Amend sec. 181, page 73, line 8, by deleting "*act*".

Amend sec. 181, page 73, by deleting line 10 and inserting:

"*2. If a count under NRS 207.010, section 180 of this act or section 2 of Assembly Bill No. 570 of this session is*".

Amend sec. 181, page 73, line 15, by deleting "*207.010 or*" and inserting "*207.010,*".

Amend sec. 181, page 73, line 16, after "*act*" by inserting: "*or section 2 of Assembly Bill No. 570 of this session*".

Amend sec. 181, page 73, by deleting line 19 and inserting:

"*3. If a defendant charged under NRS 207.010, section 180 of this act or section 2 of Assembly Bill No. 570 of this session is*".

Amend sec. 181, page 73, by deleting line 26.

Amend sec. 181, page 73, by deleting line 29 and inserting: "*felon; or*

(c) Under section 2 of Assembly Bill No. 570 of this session upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitually fraudulent felon.".

Amend sec. 181, page 73, line 30, by deleting "*207.010 or*" and inserting "*207.010,*".

Amend sec. 181, page 73, line 31, after "act" by inserting: "*or section 2 of Assembly Bill No. 570 of this session,*".

Amend sec. 181, page 73, by deleting line 33 and inserting:

"*5. For the purposes of NRS 207.010, section 180 of this act and section 2 of Assembly Bill No. 570 of this session, a certified*".

Amend sec. 182, pages 73 and 74, by deleting lines 37 through 48 on page 73 and lines 1 through 42 on page 74 and inserting:

"207.010 1. Unless the person is prosecuted pursuant to *section 180 of this act or* section 2 of *Assembly Bill No. 570 of* this [act,] *session,* a person convicted in this state of any crime of which fraud or intent to defraud is an element, or of petit larceny, or of any felony, who [has] *:*

(a) Has previously been [twice] *two times* convicted, whether in this state or elsewhere, of any crime which under the laws of the situs of the crime or of this state would amount to a felony, or who has previously been three times convicted, whether in this state or elsewhere, of petit larceny, or of any misdemeanor or gross misdemeanor of which fraud or intent to defraud is an element, is a habitual criminal and shall be punished *for a category B felony* by imprisonment in the state prison for *a minimum term of* not less than [10 years nor] *5 years and a maximum term of not* more than 20 years.

[2. Unless the person is prosecuted pursuant to section 2 of this act, a person convicted in this state of any crime of which fraud or intent to defraud is an element, or of petit larceny, or of any felony, who has]

(b) Has previously been three times convicted, whether in this state or elsewhere, of any crime which under the laws of the situs of the crime or of this state would amount to a felony, or who has previously been five times convicted, whether in this state or elsewhere, of petit larceny, or of any misdemeanor or gross misdemeanor of which fraud or *the* intent to defraud is an element, is a habitual criminal and shall be punished *for a category A felony* by imprisonment in the state prison [for life with or] *:*

(1) For life without the possibility of parole [. If the penalty fixed by the court is life imprisonment] *;*

(2) For life with the possibility of parole, *with* eligibility for parole [begins] *beginning* when a minimum of 10 years has been served [.

3.] *; or*

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

2. It is within the discretion of the prosecuting attorney whether [or not] to include a count under this section in any information or file a notice of habitual criminality if an indictment is found. The trial judge may, at his discretion, dismiss a count under this section which is included in any indictment or information.''.

Amend sec. 195, page 80, by deleting lines 33 through 35 and inserting: ''charge of habitual criminality may be based, the prosecuting attorney may file a notice of habitual criminality with the court. If an indictment is found charging a primary offense upon which a charge of [habitually] *:*

(a) Habitually fraudulent felon may be based, the prosecuting attorney shall file a notice of habitually fraudulent felon with the court.

(b) Habitual felon may be based, the prosecuting attorney shall file a notice of habitual felon with the court.''.

Amend sec. 208, page 85, by deleting line 6 and inserting: ''be a habitual criminal pursuant to NRS 207.010 , [or] a habitually fraudulent felon pursuant to section 2 of *Assembly Bill No. 570 of* this [act, may by its order] *session or a*''.

Amend sec. 208, page 85, line 35, by deleting: ''no report is'' and inserting: ''a report is not''.

Amend sec. 339, page 143, line 31, by deleting ''The'' and inserting: ''Except as otherwise provided in section 3 of *Senate Bill No. 488 of* this [act,] *session,* the''.

Amend sec. 356, page 150, line 22, by deleting ''district'' and inserting ''prosecuting''.

Amend sec. 356, page 150, line 26, by deleting ''forthwith'' and inserting ''immediately''.

Amend sec. 356, page 150, line 35, after ''*felon,*'' by inserting: ''habitually fraudulent felon,''.

Amend sec. 357, page 151, line 1, by deleting ''district'' and inserting ''prosecuting''.

Amend sec. 357, page 151, line 5, by deleting "forthwith" and inserting "immediately".

Amend sec. 357, page 151, line 14, after "*felon,*" by inserting: "habitually fraudulent felon,".

Amend sec. 380, page 165, line 22, by deleting "207.010" and inserting: "207.010, a habitually fraudulent felon pursuant to section 2 of Assembly Bill No. 570 of this session".

Amend sec. 380, page 166, line 3, by deleting: "no report is" and inserting: "a report is not".

Amend the bill as a whole by renumbering sections 385 through 387 as sections 392 through 394 and adding new sections designated sections 385 through 391, following sec. 384, to read as follows:

"Sec. 385. Sections 2, 3 and 7 of Assembly Bill No. 645 of this session are hereby amended to read as follows:

Sec. 2. NRS 630A.590 is hereby amended to read as follows:

630A.590 A person who:

1. Presents to the board as his own the diploma, license or credentials of another;

2. Gives either false or forged evidence of any kind to the board;

3. Practices homeopathic medicine under a false or assumed name; or

4. [Practices] *Except as otherwise provided in section 1 of this act, practices* homeopathic medicine without being licensed under this chapter,

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

Sec. 3. NRS 630A.600 is hereby amended to read as follows:

630A.600 [A] *Except as otherwise provided in section 1 of this act, a* person who practices homeopathic medicine without a license issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.

Sec. 7. NRS 633.741 is hereby amended to read as follows:

633.741 A person who:

1. [Practices] *Except as otherwise provided in section 1 of this act, practices* osteopathic medicine:

(a) Without a license valid under this chapter; or

(b) Beyond the limitations ordered upon his practice by the board or the court;

2. Presents as his own the diploma, license or credentials of another;

3. Gives either false or forged evidence of any kind to the board or any of its members in connection with an application for a license or an application to employ an osteopathic physician's assistant;

4. Files for record the license issued to another, falsely claiming himself to be the person named in the license, or falsely claiming himself to be the person entitled to the license;

5. Practices osteopathic medicine under a false or assumed name or falsely personates another licensee of a like or different name;

6. Holds himself out as an osteopathic physician's assistant or who uses any other term indicating or implying that he is an osteopathic physician's assistant, unless he has been approved by the board, as provided in this chapter; or

7. Employs a person as an osteopathic physician's assistant before such employment is approved as provided in this chapter,

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

Sec. 386. Section 2 of Assembly Bill No. 93 of this session is hereby amended to read as follows:

Sec. 2. NRS 209.429 is hereby amended to read as follows:

209.429 1. The director [may, at the request of an offender who has:

(a) Established a position of employment in the community; and

(b) Successfully completed the initial period of rehabilitation required under the program of treatment established pursuant to NRS 209.425,

assign the] *shall assign an* offender to the custody of the division of parole and probation of the department of motor vehicles and public safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of the maximum term of his sentence [.] *if:*

(a) The offender has established a position of employment in the community;

(b) The offender has successfully completed the initial period of treatment required under the program of treatment established pursuant to NRS 209.425; and

(c) The director believes that the offender will be able to:

(1) Comply with the terms and conditions required under residential confinement; and

(2) Complete successfully the remainder of the program of treatment while under residential confinement.

If an offender assigned to the program of treatment pursuant to subsection 3 of NRS 209.427, completes the initial phase of the program and thereafter refuses to enter the remainder of the program of treatment pursuant to this section, the offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before this refusal, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender, and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he must submit to the division a signed document stating that:

(a) He will comply with the terms or conditions of his residential confinement; and

(b) If he fails to comply with the terms or conditions of his residential confinement and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.

3. If an offender assigned to the custody of the division of parole and probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The division of parole and probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the department of prisons.

(b) The offender forfeits all or part of the credits earned by him to reduce his sentence pursuant to this chapter before the escape or violation, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender, and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding forfeiture of credits is final.

4. The assignment of an offender to the custody of the division of parole and probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the department of prisons,

except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department of prisons.

5. A person does not have a right to be assigned to the custody of the division of parole and probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, *and section 3 of this act,* create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 387. Section 6 of Assembly Bill No. 378 of this session is hereby amended to read as follows:

Sec. 6. NRS 200.481 is hereby amended to read as follows:

200.481 1. As used in this section:

(a) "Battery" means any willful and unlawful use of force or violence upon the person of another.

(b) "Child" means a person less than 18 years of age.

(c) "Officer" means:

(1) A person who possesses some or all of the powers of a peace officer;

(2) A person employed in a full-time salaried occupation of fire fighting for the benefit or safety of the public;

(3) A member of a volunteer fire department;

(4) A jailer, guard, matron or other correctional officer of a city or county jail or detention facility; or

(5) A justice of the supreme court, district judge, justice of the peace, municipal judge, magistrate, court commissioner, master or referee, including any person acting pro tempore in a capacity listed in this subparagraph.

(d) "School employee" means any licensed or unlicensed person employed by a board of trustees of a school district pursuant to NRS 391.100.

2. A person convicted of a battery, other than a battery committed by an adult upon a child which constitutes child abuse, shall be punished:

(a) If the battery is not committed with a deadly weapon, and no substantial bodily harm to the victim results, except under circumstances where a greater penalty is provided in paragraph (d) or in NRS 197.090, for a misdemeanor. If the battery is committed upon his spouse, former spouse, a person to whom he is related by blood, a person with whom he is or was actually residing , *with whom he had or is having a dating relationship* or with whom he has a child in common, his minor child or a minor child of that person, the court, as a part of the sentence imposed, may require the person to participate in and complete a program of counseling to prevent abuse of his family.

(b) If the battery is not committed with a deadly weapon, and substantial bodily harm to the victim results, for a category C felony as provided in NRS 193.130.

(c) If the battery is committed upon an officer or a school employee and:

(1) The officer or school employee was performing his duty;

(2) The officer or school employee suffers substantial bodily harm; and

(3) The person charged knew or should have known that the victim was an officer or a school employee,

for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, or by a fine of not more than $10,000, or by both fine and imprisonment.

(d) If the battery is committed upon an officer or a school employee who is performing his duty and the person charged knew or should have known that the victim was an officer or a school employee, for a gross misdemeanor, except under circumstances where a greater penalty is provided in this section.

(e) If the battery is committed with the use of a deadly weapon, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years, and may be further punished by a fine of not more than $10,000.

(f) If the battery is committed by a prisoner who is in lawful custody or confinement, without the use of a deadly weapon, whether or not substantial bodily harm results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years.

(g) If the battery is committed by a prisoner who is in lawful custody or confinement with the use of a deadly weapon, whether or not substantial bodily harm results, for a category B felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 10 years.

Sec. 388. Sections 2, 5, 6 and 7 of Assembly Bill No. 405 of this session are hereby amended to read as follows:

Sec. 2. *A person who knowingly prepares, advertises or distributes any item or material that depicts a minor engaging in, or simulating, or assisting others to engage in or simulate, sexual conduct is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 15 years, or by a fine of not more than $15,000, or by both fine and imprisonment.*

Sec. 5. NRS 200.710 is hereby amended to read as follows:

200.710 *1.* A person who knowingly uses, encourages, entices or permits a minor to simulate or engage in or assist others to simulate or engage in sexual conduct to produce a performance is guilty of a category A felony and shall be punished as provided in NRS 200.750.

2. A person who knowingly uses, encourages, entices, coerces or permits a minor to be the subject of a sexual portrayal in a performance is guilty of a category A felony and shall be punished as provided in NRS 200.750, regardless of whether the minor is aware that the sexual portrayal is part of a performance.

Sec. 6. NRS 200.720 is hereby amended to read as follows:

200.720 A person who knowingly promotes a performance of a minor [where he] *:*

1. Where the minor engages in or simulates, or assists others to engage in or simulate, sexual conduct *; or*

2. Where the minor is the subject of a sexual portrayal,

is guilty of a category A felony and shall be punished as provided in NRS 200.750.

Sec. 7. NRS 200.730 is hereby amended to read as follows:

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

1. For the first offense, is guilty of a [gross misdemeanor.] *category B felony and shall be punished by imprisonment in the state prison for a*

minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than $5,000.

2. For any subsequent offense, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than [6] *10* years, and may be further punished by a fine of not more than $5,000.

Sec. 389. Section 2 of Assembly Bill No. 570 of this session is hereby amended to read as follows:

Sec. 2. 1. A person who:

(a) Has been convicted in this state of any felony committed on or after July 1, 1995, of which fraud or intent to defraud is an element; and

(b) Has previously been two times convicted, whether in this state or elsewhere, of any felony of which fraud or intent to defraud is an element before the commission of the felony under paragraph (a) of this subsection, is a habitually fraudulent felon and shall be punished *for a category B felony* by imprisonment in the state prison for *a minimum term of* not less than 5 years [nor] *and a maximum term of not* more than 20 years, if the victim of each offense was 65 years of age or older or a mentally disabled person.

2. The prosecuting attorney shall include a count under this section in any information or shall file a notice of habitually fraudulent felon if an indictment is found, if the prior convictions and the alleged offense committed by the accused are felonies of which fraud or intent to defraud is an element and the victim of each offense was:

(a) Sixty-five years of age or older; or

(b) A mentally disabled person.

3. As used in this section, "mentally disabled person" means a person who has a mental impairment which is medically documented and substantially limits one or more of the person's major life activities. The term includes, but is not limited to, a person who:

(a) Is mentally retarded;

(b) Suffers from a severe mental or emotional illness;

(c) Has a severe learning disability; or

(d) Is experiencing a serious emotional crisis in his life as a result of the fact that he or a member of his immediate family has a catastrophic illness.".

Sec. 190. Section 1 of Assembly Bill No. 534 of this session is hereby amended to read as follows:

Section 1. NRS 200.359 is hereby amended to read as follows:

200.359 1. A person having a limited right of custody to a child by operation of law or pursuant to an order, judgment or decree of any court, including a judgment or decree which grants another person rights to custody or visitation of the child, or any parent having no right of custody to the child, who:

(a) In violation of an order, judgment or decree of any court willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child; or

(b) In the case of an order, judgment or decree of any court that does not specify when the right to physical custody or visitation is to be exercised, removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation,

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

2. A parent who has joint legal custody of a child pursuant to NRS 125.465 shall not willfully conceal or remove the child from the custody of the other parent with the specific intent to deprive the other parent of the parent and child relationship. *A person who violates this subsection shall be punished as provided in subsection 1.*

3. If the mother of a child has primary physical custody pursuant to subsection 2 of NRS 126.031, the father of the child shall not willfully conceal or remove the child from the physical custody of the mother. If the father of a child has primary physical custody pursuant to subsection 2 of NRS 126.031, the mother of the child shall not willfully conceal or remove the child from the physical custody of the father. A person who violates this subsection shall be punished as provided in subsection 1.

4. Before an arrest warrant may be issued for a violation of this section, the court must find that:

(a) This is the home state of the child, as defined in subsection 5 of NRS 125A.040; and

(b) There is cause to believe that the entry of a court order in a civil proceeding brought pursuant to chapter 125 or 125A of NRS will not be effective to enforce the rights of the parties and would not be in the best interests of the child.

5. Upon conviction for a violation of this section, the court shall order the defendant to pay restitution for any expenses incurred in locating or recovering the child.

6. The prosecuting attorney may recommend to the judge that the defendant be sentenced as for a misdemeanor and the judge may impose such a sentence if he finds that:

(a) The defendant has no prior conviction for this offense and the child has suffered no substantial harm as a result of the offense; or

(b) The interests of justice require that the defendant be punished as for a misdemeanor.

7. A person who aids or abets any other person to violate this section shall be punished as provided in subsection 1.

8. This section does not apply to a person who detains, conceals or removes a child to protect the child from the imminent danger of abuse or neglect or to protect himself from imminent physical harm, and reported the detention, concealment or removal to a law enforcement

agency or an agency which provides protective services within 24 hours after detaining, concealing or removing the child, or as soon as the circumstances allowed. As used in this subsection:

(a) "Abuse or neglect" has the meaning ascribed to it in paragraph (a) of subsection 3 of NRS 200.508.

(b) "Agency which provides protective services" has the meaning ascribed to it in NRS 432B.030.

Sec. 391. Section 11 of Assembly Bill No. 438 of this session is hereby amended to read as follows:

Sec. 11. NRS 454.316 is hereby amended to read as follows:

454.316 1. Except as otherwise provided in this section, a person who possesses a dangerous drug, except that furnished to him by a pharmacist pursuant to a legal prescription or *by* a practitioner, is guilty of a gross misdemeanor. A person who has been twice previously convicted of any offense:

(a) Described in this section; or

(b) Pursuant to any other law of the United States or this or any other state or district which if committed in this state would have been punishable as an offense under this section,

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

2. A prescription is not required for possession of a dangerous drug by a person authorized by NRS 454.213, any other person or class of persons approved by the board pursuant to regulation, jobbers, wholesalers, manufacturers or laboratories authorized by laws of this state to handle, possess and deal in dangerous drugs if the drugs are in stock containers properly labeled and have been procured from a manufacturer, wholesaler or pharmacy, or by a rancher who possesses a dangerous drug in a reasonable amount for use solely in the treatment of livestock on his own premises.

[3. A prescription is not required for an optometrist certified pursuant to NRS 636.382 to possess drugs which he is authorized to use pursuant to chapter 636 of NRS.]".

Amend sec. 385, page 170, line 17, by deleting "session and" and inserting "session,".

Amend sec. 385, page 170, line 18, after "session" by inserting: "section 1 of Assembly Bill No. 256 of this session and sections 3 and 11 of Assembly Bill No. 570 of this session".

Amend sec. 387, page 170, by deleting line 22 and inserting:

"Sec. 394. 1. This section and sections 1 to 181, inclusive, 183 to 194, inclusive, 196 to 207, inclusive, 209 to 338, inclusive, 340 to 355, inclusive, 358 to 379, inclusive, 381 to 388, inclusive, and 390 to 393, inclusive, of this act become effective on July 1, 1995.

2. Sections 182, 195, 208, 339, 356, 357, 380 and 389 of this act become effective at 12:01 a.m. on July 1, 1995.".

Amend the bill as a whole by adding the text of section 1 of Assembly Bill No. 256 and sections 3 and 11 of Assembly Bill No. 570 of this session to the text of repealed sections.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 474.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1340.

Amend sec. 3, page 2, line 12, by deleting "*requires:*" and inserting: "*requires and except as otherwise provided in subsection 5 of NRS 42.005:*".

Amend sec. 5, page 3, between lines 34 and 35, by inserting:

"*5. For the purposes of an action brought against an insurer who acts in bad faith regarding its obligations to provide insurance coverage, the definitions set forth in section 3 of this act are not applicable and the corresponding provisions of the common law apply.*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 475, 696, 728; Senate Bills Nos. 72, 344, 374, 443, 505 be placed on the General File immediately following Assembly Bill No. 715.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 181.

Bill read third time.

Remarks by Assemblymen Marvel and Carpenter.

Potential conflicts of interest declared by Assemblymen Evans and Price.

Roll call on Assembly Bill No. 181:

YEAS—40.

NAYS—None.

Not voting—Evans, Harrington—2.

Assembly Bill No. 181 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 695 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Assemblyman Anderson moved that Senate Bill No. 531 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 622.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1357.

Amend sec. 3, page 1, line 7, after "*sale to*" by inserting: "*inspect for and*".

Amend sec. 3, page 2, by deleting line 22 and inserting: "*202.2493 or 202.2494 may be brought as a result of an inspection for compliance in which the assistance of a child has been enlisted unless the inspection has been*".

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

"Sec. 10. This act becomes effective on July 1, 1995.".

Amend the title of the bill, first line, by deleting: "conduct inspections to" and inserting: "inspect for and".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

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

Assembly in recess at 11:51 a.m.

ASSEMBLY IN SESSION

At 11:53 a.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 715.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 715:

YEAS—42.

NAYS—None.

Assembly Bill No. 715 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 475.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Assembly Bill No. 475:

YEAS—41.

NAYS—None.

Not voting—Krenzer.

Assembly Bill No. 475 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 696.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 696:

YEAS—41.

NAYS—None.

Absent—Fettic.

Assembly Bill No. 696 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 11:59 a.m.

ASSEMBLY IN SESSION

At 12:02 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 546, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 637, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which were referred Assembly Bills Nos. 447, 718, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 734—An Act making appropriations from the state general fund and the state highway fund for the support of the civil government of the State of Nevada for the fiscal years beginning July 1, 1995, and ending June 30, 1996, and beginning July 1, 1996, and ending June 30, 1997; providing for the use of the money so appropriated; authorizing the interim finance committee to appoint a subcommittee to monitor and evaluate the Medicaid managed care program; and providing other matters properly relating thereto.

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

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 728.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Assembly Bill No. 728:

YEAS—41.

NAYS—None.

Absent—Fettic.

Assembly Bill No. 728 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 72.

Bill read third time.

Remarks by Assemblymen Allard and Close.

Roll call on Senate Bill No. 72:

YEAS—41.

NAYS—None.

Absent—Fettic.

Senate Bill No. 72 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended and that Assembly Bills Nos. 181, 475, 696, 715, 728 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 344.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 344:

YEAS—40.

NAYS—None.

Absent—Fettic.

Not voting—Harrington.

Senate Bill No. 344 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 374.

Bill read third time.

Remarks by Assemblyman Anderson.

Roll call on Senate Bill No. 374:

YEAS—41.

NAYS—None.

Absent—Fettic.

Senate Bill No. 374 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 443.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Senate Bill No. 443:

YEAS—40.

NAYS—None.

Absent—Fettic.

Not voting—Monaghan.

Senate Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 505.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Arberry.

Potential conflict of interest declared by Assemblyman Krenzer.

Roll call on Senate Bill No. 505:

YEAS—41.

NAYS—None.

Absent—Fettic.

Senate Bill No. 505 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 18.

Bill read third time.

Remarks by Assemblyman Marvel.

Potential conflicts of interest declared by Assemblymen Evans and Price.

Roll call on Senate Bill No. 18:

YEAS—41.
NAYS—None.
Absent—Fettic.

Senate Bill No. 18 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 57.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Senate Bill No. 57:

YEAS—41.
NAYS—None.
Absent—Fettic.

Senate Bill No. 57 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 78.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Senate Bill No. 78:

YEAS—37.
NAYS—Bennett, Carpenter, Neighbors—3.
Absent—Fettic.
Not voting—Anderson.

Senate Bill No. 78 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 126.

Bill read third time.

Remarks by Assemblyman Hettrick.

Roll call on Senate Bill No. 126:

YEAS—41.
NAYS—None.
Absent—Fettic.

Senate Bill No. 126 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 198.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 198:

YEAS—41.
NAYS—None.
Absent—Fettic.

Senate Bill No. 198 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 217.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 217:

YEAS—41.

NAYS—None.

Absent—Fettic.

Senate Bill No. 217 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 226.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Senate Bill No. 226:

YEAS—41.

NAYS—None.

Absent—Fettic.

Senate Bill No. 226 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 314.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1338.

Amend sec. 52, page 31, by deleting lines 12 through 38 and inserting:

"645.330 1. Except as otherwise provided by specific statute, the division may approve an application for a license for a person who meets all the following requirements:

(a) Has a good reputation for honesty, trustworthiness and integrity and who offers proof of those qualifications satisfactory to the division.

(b) Has not made a false statement of material fact on his application.

(c) Is competent to transact the business of a real estate broker, broker-salesman or salesman in a manner which will safeguard the interests of the public.

(d) Has passed the examination.

2. The division:

(a) May deny a license to any person who has been convicted of, or entered a plea of guilty , *guilty but mentally ill* or nolo contendere to, forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, engaging in a real estate business without a license, possessing for the purpose of sale any controlled substance or any crime involving moral turpitude, in any court of competent jurisdiction in the United States or elsewhere; and

(b) Shall not issue a license to such a person until at least 3 years after:

(1) The person pays any fine or restitution ordered by the court; or

(2) The expiration of the period of the person's parole, probation or sentence,

whichever is later.

3. Suspension or revocation of a license pursuant to this chapter or any prior revocation or current suspension in this or any other state, district or territory of the United States or any foreign country within 10 years before the date of the application is grounds for refusal to grant a license.

4. A person may not be licensed as a real estate broker unless he has been actively engaged as a full-time licensed real estate broker-salesman or salesman in this state, or actively engaged as a full-time licensed real estate broker, broker-salesman or salesman in another state or the District of Columbia, for at least 2 of the 4 years immediately preceding the issuance of a broker's license.".

Amend the bill as a whole by renumbering sections 59 through 61 as sections 60 through 62 and adding a new section designated sec. 59, following sec. 58, to read as follows:

"Sec. 59. Section 1 of Assembly Bill No. 364 of this session is hereby amended to read as follows:

Section 1. Chapter 176 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A county whose population is 400,000 or more or a city located within such a county, upon recommendation of the appropriate court, may, by ordinance, authorize the justices or judges of the justices' or municipal courts within its jurisdiction to impose for not longer than 25 years, in addition to an administrative assessment imposed pursuant to NRS 176.059, an administrative assessment for the provision of court facilities.

2. Except as otherwise provided in subsection 3, in any jurisdiction in which an administrative assessment for the provision of court facilities has been authorized, when a defendant pleads *guilty or guilty but mentally ill* or is found guilty of a misdemeanor, including the violation of any municipal ordinance, the justice or judge shall include in the sentence the sum of $10 as an administrative assessment for the provision of court facilities and render a judgment against the defendant for the assessment.

3. The provisions of subsection 2 do not apply to:

(a) An ordinance regulating metered parking; or

(b) An ordinance which is specifically designated as imposing a civil penalty or liability pursuant to NRS 244.3575 or 268.019.

4. The money collected for an administrative assessment for the provision of court facilities must not be deducted from the fine imposed by the justice or judge but must be taxed against the defendant in addition to the fine. The money collected for such an administrative assessment must be stated separately on the court's docket and must be included in the amount posted for bail. If the defendant is found not

guilty or the charges are dismissed, the money deposited with the court must be returned to the defendant. If the justice or judge cancels a fine because the fine has been determined to be uncollectible, any balance of the fine and the administrative assessment remaining unpaid shall be deemed to be uncollectible and the defendant is not required to pay it. If a fine is determined to be uncollectible, the defendant is not entitled to a refund of the fine or administrative assessment he has paid and the justice or judge shall not recalculate the administrative assessment.

5. If the justice or judge permits the fine and administrative assessment for the provision of court facilities to be paid in installments, the payments must be applied in the following order:

(a) To pay the unpaid balance of an administrative assessment imposed pursuant to NRS 176.059;

(b) To pay the unpaid balance of an administrative assessment for the provision of court facilities pursuant to this section; and

(c) To pay the fine.

6. The money collected for administrative assessments for the provision of court facilities in municipal courts must be paid by the clerk of the court to the city treasurer on or before the fifth day of each month for the preceding month. The city treasurer shall deposit the money received in a special revenue fund. The city may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the municipal courts or a regional justice center which includes the municipal courts.

(b) Construct or acquire additional facilities for the municipal courts or a regional justice center which includes the municipal courts.

(c) Renovate or remodel existing facilities for the municipal courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the municipal courts or a regional justice center which includes the municipal courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the municipal courts or a regional justice center which includes the municipal courts.

Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the municipal general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The city treasurer shall

provide, upon request by a municipal court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

7. The money collected for administrative assessments for the provision of court facilities in justices' courts must be paid by the clerk of the court to the county treasurer on or before the fifth day of each month for the preceding month. The county treasurer shall deposit the money received to a special revenue fund. The county may use the money in the special revenue fund only to:

(a) Acquire land on which to construct additional facilities for the justices' courts or a regional justice center which includes the justices' courts.

(b) Construct or acquire additional facilities for the justices' courts or a regional justice center which includes the justices' courts.

(c) Renovate or remodel existing facilities for the justices' courts.

(d) Acquire furniture, fixtures and equipment necessitated by the construction or acquisition of additional facilities or the renovation of an existing facility for the justices' courts or a regional justice center which includes the justices' courts. This paragraph does not authorize the expenditure of money from the fund for furniture, fixtures or equipment for judicial chambers.

(e) Acquire advanced technology for use in the additional or renovated facilities.

(f) Pay debt service on any bonds issued pursuant to subsection 3 of NRS 350.020 for the acquisition of land or facilities or the construction or renovation of facilities for the justices' courts or a regional justice center which includes the justices' courts.

Any money remaining in the special revenue fund after 5 fiscal years must be deposited in the county general fund for the continued maintenance of court facilities if it has not been committed for expenditure pursuant to a plan for the construction or acquisition of court facilities or improvements to court facilities. The county treasurer shall provide, upon request by a justice's court, monthly reports of the revenue credited to and expenditures made from the special revenue fund.

8. If money collected pursuant to this section is to be used to acquire land on which to construct a regional justice center, to construct a regional justice center or to pay debt service on bonds issued for these purposes, the county and the participating cities shall, by interlocal agreement, determine such issues as the size of the regional justice center, the manner in which the center will be used and the apportionment of fiscal responsibility for the center.''.

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 347.

Bill read third time.

Remarks by Assemblyman Humke.
Roll call on Senate Bill No. 347:
YEAS—40.
NAYS—Bennett.
Absent—Fettic.

Senate Bill No. 347 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that for the balance of the session, the reading of the history on Senate Bills and Resolutions on the General File be dispensed with.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 393.
Bill read third time.
Remarks by Assemblymen Humke and Carpenter.
Roll call on Senate Bill No. 393:
YEAS—24.
NAYS—Allard, Bennett, Braunlin, Brower, Carpenter, Close, Ernaut, Harrington, Lambert, Marvel, Perkins, Price, Sandoval, Steel, Stroth, Tripple, Mr. Speaker Hettrick—17.
Absent—Fettic.

Senate Bill No. 393 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 394.
Bill read third time.
Remarks by Assemblyman Ohrenschall.
Roll call on Senate Bill No. 394:
YEAS—41.
NAYS—None.
Absent—Fettic.

Senate Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 434.
Bill read third time.
Remarks by Assemblymen Stroth, Segerblom and Humke.
Potential conflict of interest declared by Assemblyman Allard.
Roll call on Senate Bill No. 434:
YEAS—41.
NAYS—None.
Absent—Fettic.

Senate Bill No. 434 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 454.

Bill read third time.

Remarks by Assemblyman Stroth.

Roll call on Senate Bill No. 454:

YEAS—40.

NAYS—Williams.

Absent—Fettic.

Senate Bill No. 454 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 455.

Bill read third time.

Remarks by Assemblyman Steel.

Roll call on Senate Bill No. 455:

YEAS—41.

NAYS—None.

Absent—Fettic.

Senate Bill No. 455 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 464.

Bill read third time.

Remarks by Assemblyman Carpenter.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:53 p.m.

ASSEMBLY IN SESSION

At 1:26 p.m.

Mr. Speaker presiding.

Quorum present.

Assemblyman Anderson moved that Senate Bill No. 464 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 401, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 571, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Judiciary, to which was referred Senate Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 468, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Economic Development and Tourism, to which was referred Senate Bill No. 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DIANNE STEEL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 526, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 176, 421, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 735—An Act relating to the legislature; increasing and establishing the compensation of certain employees of the senate and assembly; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 176, 331, 447, 649, 718; Senate Bills Nos. 234, 358, 390, 414, 468, 482, 497, 498, 519, 526, 546, 571 be placed on the Second Reading File.

Motion carried.

Assemblyman Batten moved that Senate Bill No. 467 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 622 be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 470.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Senate Bill No. 470:

YEAS—41.

NAYS—None.

Absent—Fettic.

Senate Bill No. 470 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 549.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Senate Bill No. 549:

YEAS—41.

NAYS—None.

Absent—Fettic.

Senate Bill No. 549 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 1:42 p.m.

ASSEMBLY IN SESSION

At 1:54 p.m.

Mr. Speaker presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Assembly Bill No. 695.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani and Perkins:

Amendment No. 1349.

Amend sec. 9, page 2, by deleting lines 43 through 45 and inserting: "party [, and,] if *a presidential preference primary election for that party is not held; and*".

Amend sec. 35, page 12, by deleting lines 30 through 35 and inserting:

"Sec. 35. *1. Not later than November 1 of the year preceding a year in which a President of the United States is elected, the state central committee of each major political party shall notify the secretary of state, in writing, whether the party will participate in the presidential preference primary election.*

2. If the secretary of state receives a statement pursuant to subsection 1 which states that a major political party will participate in the presidential preference primary election, a presidential preference primary election for that party must be held on the fourth Tuesday in March of the year in which the presidential election is held.

3. The presidential preference primary election".

Amend sec. 35, page 12, line 38, by deleting "*3.*" and inserting "*4.*".

Amend sec. 36, page 12, line 41, after "*party*" by inserting: "*for which a presidential preference primary election will be held*".

Amend sec. 36, page 12, by deleting line 42 and inserting: "*5 p.m. on the second Tuesday in January in a year in which a presidential preference primary*".

Amend sec. 37, page 13, line 12, after "*party*" by inserting: "*for which a presidential preference primary election will be held*".

Amend sec. 38, page 13, line 35, by deleting "*party.*" and inserting: "*party for which a presidential preference primary election will be held.*".

Amend sec. 38, page 14, by deleting lines 1 and 2 and inserting:

"*(e) The names of the candidates for the nomination for President of the United States of each major political party for which a presidential preference primary election will be held.*".

Amend sec. 39, page 14, line 4, after "*party*" by inserting: "*for which a presidential preference primary election will be held*".

Amend sec. 39, page 14, line 5, by deleting: "*presidential preference primary*".

Amend sec. 40, page 14, by deleting line 14 and inserting: "*for which a presidential preference primary election will be held shall, not later than January 1 of the year in which the election is*".

Amend sec. 54, page 17, line 44, after "*political party*" by inserting: "*for which a presidential preference primary election was held*".

Amend sec. 56, page 18, line 23, by deleting "*President,*" and inserting: "*President of the United States,*".

Amend sec. 56, page 18, line 27, by deleting "*President,*" and inserting: "*President of the United States,*".

Amend sec. 59, page 19, line 27, after "forestry" by inserting: "of the state department of conservation and natural resources".

Amend sec. 59, page 19, line 32, by deleting "and".

Amend sec. 59, page 19, line 35, by deleting "claims." and inserting: "claims; and

(d) The payment of claims which are obligations of the state pursuant to NRS 535.030 arising from remedial actions taken by the state engineer when the condition of a dam becomes dangerous to the safety of life or property.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 622.

Bill read third time.

Remarks by Assemblymen Anderson, Harrington, Freeman, Giunchigliani and Chowning.

Potential conflicts of interest declared by Assemblymen Ohrenschall, Harrington and Carpenter.

Assemblymen Marvel, Hettrick and Arberry moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 622.

Roll call on Assembly Bill No. 622:

YEAS—36.

NAYS—Brower, Carpenter, Harrington, Nolan—4.

Absent—Fettic.

Not voting—Freeman.

Assembly Bill No. 622 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Assembly Bill No. 702, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 691, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Concurrent Committee on Education, to which was referred Senate Bill No. 386, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker:

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

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended and that Assembly Bill No. 622 be immediately transmitted to the Senate.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 176.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1339.

Amend section 1, page 1, line 5, by deleting "*district:*" and inserting "*school:*".

Amend section 1, page 1, line 9, after "*school;*" by inserting "*and*".

Amend section 1, page 1, by deleting lines 10 through 14.

Amend section 1, page 1, by deleting "*(d)*" and inserting "*(c)*".

Amend section 1, page 1, by deleting line 17 and inserting:

"*2. To determine the cumulative enrollment of the school pursuant to subsection 1, the department shall add the total number of pupils enrolled in programs of instruction in the school who are included in the count for apportionment purposes pursuant to paragraphs (a), (b) and (c) of subsection 1 of NRS 387.123 and the number of pupils included in paragraphs (a) and (b) of subsection 1.*

3. The department shall develop and distribute to the county school dis-".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 331.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1311.

Amend the bill as a whole by deleting sections 1 through 7 and renumbering sec. 8 as section 1.

Amend sec. 8, pages 4 and 5, by deleting lines 41 through 47 on page 4 and lines 1 through 13 on page 5, and inserting: "the state general fund for use by the commissioner. The commissioner shall deposit all money received [under] *pursuant to* this section with the state treasurer for credit to the account. Money remaining in the account at the end of any year does not lapse and may be used by the commissioner in any subsequent year.

2. The commissioner shall authorize expenditures from the special investigative account to pay the expenses [incurred for investigating fraudulent claims.] *of the program established pursuant to NRS 679B.153 and of any unit established in the office of the attorney general which investigates and prosecutes insurance fraud.*

3. All of the costs of the program established pursuant to NRS 679B.153 must be paid by the insurers authorized to transact insurance in this state. The commissioner shall annually determine the total cost and equally divide that amount among the insurers. The annual amount so assessed must not exceed $500 per authorized insurer. The commissioner may adopt regulations regarding the calculation".

Amend the bill as a whole by deleting sec. 9 and renumbering sections 10 through 12 as sections 2 through 4.

Amend sec. 11, page 6, by deleting lines 8 through 14 and inserting:

"3. Any records or information *in the possession of the division* related to [the investigation of a fraudulent claim] *an investigation or examination conducted* by the commissioner are confidential *for the period of the investigation or examination* unless:

(a) The commissioner releases *, in the manner that he deems appropriate, all or any part of* the records or information for public inspection after determining that the release of the records or information [will] *:*

(1) Will not harm his investigation *or examination* or the person who is being investigated [;] *or examined;* or

(2) Serves the interests of a policyholder, the shareholders of the insurer or the public.".

Amend sec. 11, page 6, by deleting line 17 and inserting: "investigation being conducted by the commissioner.".

Amend sec. 11, page 6, line 23, by deleting "confidential, or" and inserting: "confidential . [or".

Amend sec. 11, page 6, line 26, by inserting a closed bracket after "law.".

Amend the bill as a whole by deleting sections 13 through 19 and the text of repealed sections and adding a new section designated sec. 5, following sec. 12, to read as follows:

"Sec. 5. NRS 686A.291 is hereby amended to read as follows:

686A.291 [Any person who knowingly and willfully:

1. Presents or causes to be presented to any insurer, any false, incomplete or misleading information concerning a material fact whether written or oral, as a part of or in support of any claim for payment, reimbursement or other benefit;

2. Assists, abets or conspires with another person to prepare, present or cause to be presented any false, incomplete or misleading information concerning a material fact, whether written or oral, as a part of, or in support of any claim for payment, reimbursement or other benefit; or

3. Conceals or fails to disclose any event affecting any person's initial or continued right to any benefit or payment to which the person is entitled,]

1. A person commits insurance fraud if he:

(a) Knowingly and willfully presents or causes to be presented any statement to an insurer, a reinsurer, a producer, a broker or any agent thereof, known by him to contain false, incomplete or misleading information concerning any fact material to an application for the issuance of a policy of insurance pursuant to this Title.

(b) Presents or causes to be presented any statement as a part of, or in support of, a claim for payment or other benefits under a policy of insurance issued pursuant to this Title, known by him to contain false, incomplete or misleading information concerning any fact material to that claim.

(c) Assists, abets, solicits or conspires with another person to present or cause to be presented any statement to an insurer, reinsurer, producer,

broker or any agent thereof, known by him to contain false, incomplete or misleading information concerning any fact material to an application for the issuance of a policy of insurance pursuant to this Title or a claim for payment or other benefits under such a policy.

(d) Acts or fails to act with the intent of defrauding or deceiving an insurer, a reinsurer, a producer, a broker or any agent thereof, in order to obtain a policy of insurance pursuant to this Title or any proceeds or other benefits under such a policy.

(e) As a practitioner, an insurer or any agent thereof, knowingly and willfully acts to assist, conspire with or urge another person to violate any provision of this section through deceit, misrepresentation or other fraudulent means.

(f) Knowingly and willfully accepts any proceeds or other benefits under a policy of insurance issued pursuant to this Title known by him to be derived from any act or omission which violates any provision of this section.

2. *A person who commits insurance fraud* is guilty of a felony and shall be punished by imprisonment in the state prison for not less than 1 year nor more than 6 years or by a fine of not more than $5,000, or by both fine and imprisonment.

3. *For the purposes of this section, "practitioner" means:*

(a) A physician, dentist, nurse, dispensing optician, optometrist, physical therapist, podiatric physician, psychologist, chiropractor, doctor of Oriental medicine in any form, director or technician of a medical laboratory, pharmacist or other provider of health services who is authorized to engage in his occupation by the laws of this state or another state; and

(b) An attorney admitted to practice law in this state or any other state.".

Amend the title of the bill to read as follows:

"An Act relating to insurance fraud; providing for certain expenditures from the special investigative account; revising the provisions relating to the confidentiality of records or information related to an investigation or examination by the commissioner; establishing the crime of insurance fraud; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill, second line, by deleting "18" and inserting "57".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to the Concurrent Committee on Ways and Means.

Assembly Bill No. 447.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1304.

Amend section 1, page 1, line 2, by deleting "8," and inserting "9,".

Amend sec. 2, page 1, by deleting lines 3 through 7 and inserting:

"Sec. 2. *"Broker" means a person who, for a fee or any other consideration, offers to provide to another person the service of arranging, negotiating or assisting in the purchase of a new or used vehicle which has not been registered by the broker.*".

Amend sec. 3, page 1, by deleting line 15 and inserting: "*a license as a vehicle dealer or broker has been denied or whether such a license has been suspended or revoked;*".

Amend sec. 3, page 1, line 16, by deleting "*$48;*" and inserting "*$125;*".

Amend sec. 3, page 1, line 25, by deleting "*$10.*" and inserting "*$50.*".

Amend sec. 4, page 2, line 20, after "*bond*" by inserting: "*in the amount of $50,000,*".

Amend sec. 4, page 2, line 21, by deleting "*thereon,*" and inserting "*thereon*".

Amend sec. 4, page 2, by deleting lines 24 through 26 and inserting: "*and without violation of the provisions of this chapter. The department may, by agreement with any broker who has been licensed as a broker for 5 years or more, allow a*".

Amend sec. 6, pages 2 and 3, by deleting lines 47 and 48 on page 2 and lines 1 and 2 on page 3, and inserting:

"Sec. 6. *1. Each broker shall open and maintain a separate trust account in a federally insured bank or savings and loan association in this state into which he shall deposit any money received from a prospective buyer as a deposit on a vehicle. A broker shall not:*

(a) Commingle the money in the trust account with any money that is not a deposit on a vehicle.

(b) Use any money in the trust account to pay his operational expenses.

2. A broker shall not require the buyer of a vehicle to pay a deposit on a vehicle in an amount that exceeds 10 percent of the purchase price of the vehicle.".

Amend sec. 7, page 3, by deleting lines 3 through 12 and inserting:

"Sec. 7. *The director shall, before renewing any license issued pursuant to section 3 of this act, consider the number and types of complaints, if any, received against a licensed broker by the department.*".

Amend sec. 8, page 3, by deleting lines 13 through 31 and inserting:

"Sec. 8. *1. Before commencing the provision of services to a prospective buyer, a broker shall execute a written brokerage agreement with the prospective buyer.*

2. A brokerage agreement executed pursuant to subsection 1 must be in at least 10-point type and must include:

(a) The name, address, license number and telephone number of the broker.

(b) A complete description of the vehicle, including, but not limited to, the make, model, year and color of the vehicle.

(c) A specific statement of:

(1) The amount of the purchase price of the vehicle; and

(2) The date on which the brokerage agreement expires, if an agreement with a vehicle dealer to purchase a vehicle has not been signed.

(d) One of the following statements, as applicable for the particular transaction, printed in at least 10-point bold type and placed immediately below the statement required by paragraph (c):

(1) The broker does not receive a fee from the dealer which is selling this vehicle.

(2) The broker does receive a fee from the dealer which is selling this vehicle.

(e) A notice on the face of the brokerage agreement with a title in at least 14-point bold type and the text in at least 10-point bold type in substantially the following form:

NOTICE

This is an agreement to provide services; it is not an agreement for the purchase of a vehicle. The laws of the State of Nevada provide you with the following rights and protection:

1. Once you have signed this agreement, you have the right to cancel it and receive a full refund of any money that you paid under any of the following circumstances:

(a) The final price of the vehicle exceeds the purchase price stated in this agreement.

(b) The vehicle, upon delivery, does not match the description provided in this agreement.

(c) This agreement expired before you were presented with an agreement to purchase the vehicle from a dealer.

2. If you have paid a deposit to purchase the vehicle, you have the right to receive a full refund of that deposit at any time before you sign an agreement to purchase the vehicle with a dealer. The amount of any deposit to purchase a vehicle must not exceed 10 percent of the purchase price of the vehicle and must be deposited by the broker in a federally insured trust account.

3. If you are unable to resolve a dispute with your broker, please contact your local office of the department of motor vehicles and public safety.

(f) The date of execution of the brokerage agreement.

(g) The signatures of the broker and the prospective buyer.

3. A broker shall retain copies of any brokerage agreement executed pursuant to this section for 3 years.".

Amend the bill as a whole by renumbering sections 9 through 12 as sections 10 through 13 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. *If a prospective buyer enters into an exclusive written brokerage agreement with a broker pursuant to section 8 of this act and the broker facilitates the sale by a vehicle dealer of a vehicle to the prospective buyer, the vehicle dealer shall not:*

1. Deal directly with the prospective buyer regarding the matter of the purchase price until at least 30 days after the expiration of the brokerage agreement; or

2. Otherwise interfere with or obstruct the performance of the brokerage agreement.

The vehicle dealer may deal directly with the prospective buyer on other matters relating to the sale of the vehicle, including, but not limited to, the terms of financing, purchase of extended warranties and insurance.".

Amend sec. 12, page 4, by deleting lines 22 and 23 and inserting: "*state which is in a permanent building with sufficient space to accommodate his office.*".

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

"Sec. 14. NRS 482.3263 is hereby amended to read as follows:

"482.3263 1. Every dealer *and broker* shall keep his books and records at his principal place of business and shall permit any authorized agent of the director or the State of Nevada to inspect and copy them during usual business hours.

2. A dealer *or broker* shall retain his books and records for 3 years after he ceases to be licensed as a dealer [.] *or broker.*".

Amend sec. 14, page 4, line 30, by deleting "*13*" and inserting "*15*".

Amend the bill as a whole by deleting sec. 15.

Amend the title of the bill to read as follows:

"An Act relating to the sale of motor vehicles; providing for the licensing and regulation of brokers; requiring a broker to maintain a trust account for deposits by prospective buyers; requiring the disclosure of certain information to prospective buyers; providing requirements for brokerage agreements; prohibiting a vehicle dealer from dealing directly with a prospective buyer of the broker regarding certain matters; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 649.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1291.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. The legislature hereby finds and declares that the purpose of sections 2 to 28, inclusive, of this act is to protect the life, health and property of the residents of this state and to promote the public welfare by

providing for the certification of inspectors of real estate to ensure that inspectors are qualified to detect and analyze the problems of which an owner of real estate needs to be aware.".

Amend sec. 8, page 1, line 19, after "improvement," by inserting: "including the identification of any defects,".

Amend sec. 10, page 2, by deleting line 5 and inserting:

"1. A federal or state employee, including an employee of the state contractors' board, or an employee of a local government,".

Amend sec. 10, page 2, line 11, after "chapter" by inserting: "623, 623A, 624, 625,".

Amend sec. 19, page 4, line 5, by deleting the colon and inserting: "liability for errors or omissions and general liability, in amounts which the administrator has determined to be reasonable considering the inspector's record of financial and professional responsibility and the size of his operations.".

Amend sec. 19, page 4, by deleting lines 6 through 8.

Amend sec. 20, page 4, line 13, by deleting "education" and inserting "education, qualifications".

Amend sec. 20, page 4, line 14, by deleting "and".

Amend sec. 20, page 4, line 16, by deleting "act." and inserting "act; and".

Amend sec. 20, page 4, between lines 16 and 17, by inserting:

"(d) Has submitted proof of industrial insurance and insurance for occupational diseases which covers his employees or a copy of his certificate of qualification as a self-insured employer which was issued by the commissioner of insurance or, if the applicant is a member of an association of self-insured public or private employers, a copy of the certificate issued to the association by the commissioner of insurance.".

Amend sec. 21, page 4, line 31, by deleting "leave" and inserting "authorization".

Amend sec. 21, page 4, line 32, by deleting "leave" and inserting "authorization".

Amend sec. 30, page 7, line 2, by deleting: "October 1, 1995." and inserting: "January 1, 1996.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 718.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1255.

Amend section 1, page 1, line 6, by deleting "*$100,000*" and inserting "*$250,000*".

Amend section 1, page 1, by deleting lines 7 and 8 and inserting: "*public of the project. A sign must be placed at the entrance of the area where the construction work is in progress and must include:*".

Amend section 1, page 1, line 10, after "*of*" by inserting "*public*".

Amend section 1, page 1, line 11, by deleting "*and*".

Amend section 1, page 1, line 12, by deleting "*completion.*" and inserting "*completion; and*".

Amend section 1, page 1, between lines 12 and 13, by inserting:

"*(e) The name and telephone number of a person who can be contacted for additional information.*".

Amend section 1, page 1, line 20, by deleting "*must not*" and inserting: "*must:*

(a) Be paid for by the contractor that was awarded the contract for the project; and

(b) Not".

Amend sec. 2, page 1, line 26, by deleting "*$100,000*" and inserting "*$250,000*".

Amend sec. 2, page 2, by deleting lines 2 and 3 and inserting: "*sign must be placed at the entrance of the area where the construction work is in progress and must include:*".

Amend sec. 2, page 2, line 5, after "*of*" by inserting "*public*".

Amend sec. 2, page 2, line 6, by deleting "*and*".

Amend sec. 2, page 2, line 7, by deleting "*completion.*" and inserting "*completion; and*".

Amend sec. 2, page 2, between lines 7 and 8, by inserting:

"*(e) The name and telephone number of a person who can be contacted for additional information.*".

Amend sec. 2, page 2, line 13, by deleting "*must not*" and inserting: "*must:*

(a) Be paid for by the contractor that was awarded the contract for the project; and

(b) Not".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the board of county commissioners in a county whose population is 100,000 or more authorizes the undertaking of a project relating to the construction, reconstruction, improvement or maintenance of a public highway, road or bridge within the county whose cost is $250,000 or more, the board shall cause to be erected signs to inform the public of the project. A sign must be placed at the entrance of the area where the construction work is in progress and must include:

(a) The name of the board of county commissioners;

(b) Each source of public money used to finance the project;

(c) The cost of the project;

(d) The date the project is scheduled for completion; and

(e) The name and telephone number of a person who can be contacted for additional information.

2. If the project is authorized by the board of county commissioners and one or more public agencies pursuant to an interlocal or cooperative agreement, each sign must include, in addition to the information required by subsection 1:

(a) The name of each public agency; and

(b) The cost of the project to the board of county commissioners and each public agency.

3. Any sign which is erected pursuant to this section must:

(a) Be paid for by the contractor that was awarded the contract for the project; and

(b) Not be removed until the project is completed.".

Amend sec. 3, page 2, line 19, by deleting "*$100,000*" and inserting "*$250,000*".

Amend sec. 3, page 2, by deleting lines 21 and 22 and inserting: "*the public of the project. A sign must be placed at the entrance of the area where the construction work is in progress and must*".

Amend sec. 3, page 2, line 25, after "*of*" by inserting "*public*".

Amend sec. 3, page 2, line 26, by deleting "*and*".

Amend sec. 3, page 2, line 27, by deleting "*completion.*" and inserting "*completion; and*".

Amend sec. 3, page 2, between lines 27 and 28, by inserting:

"*(e) The name and telephone number of a person who can be contacted for additional information.*".

Amend sec. 3, page 2, line 34, by deleting "*must not*" and inserting: "*must:*

(a) Be paid for by the contractor that was awarded the contract for the project; and

(b) Not".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 234.

Bill read second time and ordered to third reading.

Senate Bill No. 358.

Bill read second time and ordered to third reading.

Senate Bill No. 390.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1332.

Amend section 1, page 1, line 4, by deleting "*$50,000*" and inserting "*$40,000*".

Amend sec. 2, page 1, line 16, by deleting "*$50,000.*" and inserting "*$40,000.*".

Amend sec. 2, page 1, line 23, by deleting "*$50,000.*" and inserting "*$40,000.*".

Amend sec. 2, page 2, line 4, by deleting "*$50,000*" and inserting "*$40,000*".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 414.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1329.

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. This act becomes effective on January 1, 1996.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to private administrators and guardians. (BDR 12-2012)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 468.

Bill read second time and ordered to third reading.

Senate Bill No. 482.

Bill read second time and ordered to third reading.

Senate Bill No. 497.

Bill read second time and ordered to third reading.

Senate Bill No. 498.

Bill read second time and ordered to third reading.

Senate Bill No. 519.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1294.

Amend section 1, page 1, by deleting lines 14 through 16 and inserting:

"(a) Property located upon or within the limits of a public airport, park, market [,] *or* fairground or [upon similar property which is available to the use of the general public;] *any property owned by a public airport;*".

Assemblyman Stroth moved the adoption of the amendment.

Remarks by Assemblyman Stroth.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 526.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1353.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend the title of the bill by deleting the second through fourth lines and inserting: "the office to engage in other employment under certain circumstances; and providing other matters properly".

Amend the summary of the bill, first line, by deleting "duties and".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Senate Bill No. 546 be taken from the Second Reading File and re-referred to the Committee on Taxation.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 571.

Bill read second time and ordered to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 691, 702; Senate Bill No. 386 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 288, 421, 637; Senate Bill No. 401 be placed on the General File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 27, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 392, 538, 554, 565.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 193, 335, 458.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 422, 496; Senate Concurrent Resolution No. 20.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 392.

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

Motion carried.

Senate Bill No. 538.

Assemblyman Perkins moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 554.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 565.

Assemblyman Perkins moved that the bill be referred to the Committee on Natural Resources, Agriculture and Mining.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 691.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1111.

Amend section 1, page 2, by deleting line 45 and inserting: "ment of administration;] *The personnel of the capitol police division of the department of motor vehicles and public safety appointed pursuant to subsection 2 of NRS 331.140;*".

Amend section 1, page 2, line 46, by deleting the closed bracket.

Amend section 1, page 3, line 1, by deleting "[(18)] *(17)*" and inserting "(18)".

Amend section 1, page 3, line 6, by deleting "[(19)] *(18)*" and inserting "(19)".

Amend section 1, page 3, line 7, by deleting "[(20)] *(19)*" and inserting "(20)".

Amend the bill as a whole by deleting sec. 2 and adding new sections designated sections 2 through 5, following section 1, to read as follows:

"Sec. 2. NRS 481.067 is hereby amended to read as follows:

481.067 1. The department may include:

(a) A registration division.

(b) A drivers' license division.

(c) A Nevada highway patrol division.

(d) An administrative services division.

(e) An investigation division.

(f) A division of emergency management.

(g) A state fire marshal division.

(h) A division of parole and probation.

(i) *A capitol police division.*

(j) Such other divisions as the director may from time to time establish.

2. Before he reorganizes the department, the director shall obtain the approval of:

(a) The legislature, if it is in regular session; or

(b) The interim finance committee, if the legislature is not in regular session.

Sec. 3. NRS 481.071 is hereby amended to read as follows:

481.071 1. Any change in the organization of the department may include the divisions, functions and responsibilities described in subsection 2 but must not include those described in paragraph (e) , [or] (h) *or (i)* of that subsection.

2. Unless the organization of the department is changed by the director, the primary functions and responsibilities of the specified divisions of the department are as follows:

(a) The registration division shall:

(1) Execute, administer and enforce the provisions of chapter 482 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 482 of NRS and the provisions of any other laws;

(2) Execute and administer the laws relative to the licensing of motor vehicle carriers and the use of public highways by those carriers as contained in chapter 706 of NRS;

(3) Perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 706 of NRS and the provisions of any other laws;

(4) Execute and administer the provisions of chapter 366 of NRS, relating to *the* imposition and collection of taxes on special fuels used for motor vehicles; and

(5) Perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 366 of NRS and the provisions of any other laws.

(b) The drivers' license division shall execute, administer and enforce the provisions of chapter 483 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 483 of NRS and the provisions of any other laws.

(c) The administrative services division shall furnish fiscal and accounting services to the director and the various divisions and advise and assist the director and the various divisions in carrying out their functions and responsibilities.

(d) The investigation division shall:

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

(2) Assist the secretary of state in carrying out an investigation pursuant to NRS 293.124; and

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

(e) The Nevada highway patrol division shall execute, administer and enforce the provisions of chapter 484 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to NRS 481.180 and the provisions of any other laws.

(f) The division of emergency management shall execute, administer and enforce the provisions of chapter 414 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 414 of NRS and the provisions of any other laws.

(g) The state fire marshal division shall execute, administer and enforce the provisions of chapter 477 of NRS and perform such duties and exercise such powers as may be conferred upon it pursuant to chapter 477 of NRS and the provisions of any other laws.

(h) The division of parole and probation shall execute, administer and enforce the provisions of chapters 176 and 213 of NRS relating to parole and probation and perform such duties and exercise such powers as may be conferred upon it pursuant to those chapters and the provisions of any other law.

(i) The capitol police division shall assist the chief of the buildings and grounds division of the department of administration in the enforcement of subsection 1 of NRS 331.140.

Sec. 4. NRS 481.083 is hereby amended to read as follows:

481.083 1. Except for the operation of the peace officers' standards and training committee, the investigation division, the division of emergency management, the state fire marshal division , [and] the division of parole and probation [,] *and the capitol police division of the department,* money for the administration of the provisions of this chapter must be provided by direct legislative appropriation from the state highway fund upon the presentation of budgets in the manner required by law.

2. All money provided for the support of the department and its various divisions must be paid out on claims approved by the director in the same manner as other claims against the state are paid.

Sec. 5. NRS 481.087 is hereby amended to read as follows:

481.087 1. [The] *Except as otherwise provided in subsection 2, the* expenses incurred in the administration of this chapter and in the administration of the powers and duties provided in this chapter shall be deemed to be a cost of administration with respect to the operation of motor vehicles upon the public highways of this state.

2. The provisions of subsection 1 do not apply to the expenses incurred in the administration of:

(a) The investigation division;

(b) The division of emergency management;

(c) The state fire marshal division; [and]

(d) The division of parole and probation [.] *; and*

(e) The capitol police division,

of the department.".

Amend the bill as a whole by renumbering sections 3 through 7 as sections 6 through 10.

Amend sec. 4, page 4, between lines 10 and 11, by inserting:

"*(e) The personnel of the capitol police division of the department of motor vehicles and public safety appointed pursuant to subsection 2 of NRS 331.140.*".

Amend sec. 4, page 4, line 12, by deleting: "*subsection 2 of NRS 331.140 and*".

Amend sec. 5, page 4, line 23, by deleting: "inclusive [:] ," and inserting: "inclusive, and section 1 of [this act:] *Senate Bill No. 334 of this session,*".

Amend sec. 7, page 4, line 38, by inserting an open bracket before "theft,".

Amend sec. 7, pages 4 and 5, by deleting lines 40 through 46 on page 4 and lines 1 through 3 on page 5 and inserting: "building or part thereof] *unlawful activity on or damage to any state property* under his supervision and control, and [if any such theft, trespass or injury is committed, he shall cause the offender to be prosecuted therefor.] *to protect the safety of any persons on that property.*

2. *The director of the department of motor vehicles and public safety shall appoint to the capitol police division of that department such personnel as may be necessary to assist the chief of the buildings and grounds division in the enforcement of subsection 1. The salaries and expenses of the personnel appointed pursuant to this subsection must, within the limits of legislative authorization, be paid out of the buildings and grounds operating fund.*".

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

"Sec. 11. Section 19 of Assembly Bill No. 677 of this session is hereby amended to read as follows:

Sec. 19. NRS 481.053 is hereby amended to read as follows:

481.053 1. The governor shall appoint the peace officers' standards and training committee.

2. The committee consists of seven members, one appointed from Clark County, one from Washoe County, three from any other counties, one from category II peace officers and one from category III peace officers. Members serve terms of 2 years from the date of appointment. Members serve without compensation but are entitled to the per diem allowance and travel expenses provided by law for state officers and employees generally.

3. The governor shall make the appointments from recommendations submitted by Clark County, Washoe County, professional organizations of sheriffs and police chiefs of this state, category II peace officers and category III peace officers.

4. The committee shall:

(a) Meet at the call of the chairman, who must be elected by the members of the committee.

(b) Provide for and encourage training and education of peace officers in order to improve the system of criminal justice.

(c) Adopt regulations establishing minimum standards for certification and decertification, recruitment, selection and training of peace officers.

(d) Make necessary inquiries to determine whether agencies of the state and of local governments are complying with standards set forth in its regulations.

(e) Carry out the duties required of the committee pursuant to NRS 432B.610 and 432B.620.

5. Regulations adopted by the committee:

(a) Apply to all agencies of the state and of local governments which employ persons as peace officers;

(b) Must require that all peace officers receive training in the handling of cases involving abuse or neglect of children or missing children; and

(c) May require that training be carried on at institutions which it approves in those regulations.

6. The director may adopt regulations necessary for the operation of the committee and the enforcement of laws administered by the committee.

7. As used in this section:

(a) "Category II peace officer" means:

(1) The bailiff of the supreme court;

(2) The bailiffs of the district courts, justices' courts and municipal courts whose duties require them to carry weapons and make arrests;

(3) Constables and their deputies whose official duties require them to carry weapons and make arrests;

(4) Inspectors employed by the public service commission of Nevada who exercise those powers of enforcement conferred by chapters 704, 705 and 706 of NRS;

(5) Parole and probation officers;

(6) Special investigators who are employed full time by the office of any district attorney or the attorney general;

(7) Investigators of arson for fire departments who are specially designated by the appointing authority;

(8) The assistant and deputies of the state fire marshal;

(9) The brand inspectors of the division of agriculture of the department of business and industry who exercise the powers of enforcement conferred in chapter 565 of NRS;

(10) Investigators for the state forester firewarden who are specially designated by him and whose primary duties are the investigation of arson;

(11) School police officers employed by the board of trustees of any county school district;

(12) Agents of the state gaming control board who exercise the powers of enforcement specified in NRS 281.0353, 463.140 or 463.1405, except those agents whose duties relate primarily to auditing, accounting, the collection of taxes or license fees, or the investigation of applicants for licenses;

(13) Investigators and administrators of the bureau of enforcement of the registration division of the department of motor vehicles and public safety who perform the duties specified in subsection 3 of NRS 481.048;

(14) Officers and investigators of the section for the control of emissions from vehicles of the registration division of the department of motor vehicles and public safety who perform the duties specified in subsection 3 of NRS 481.0481;

(15) Legislative police officers of the State of Nevada;

(16) The personnel of the capitol police division of the department of motor vehicles and public safety appointed pursuant to subsection 2 of NRS 331.140;

(17) Parole counselors of the division of child and family services of the department of human resources;

(18) Juvenile probation officers and deputy juvenile probation officers employed by the various judicial districts in Nevada or by a department of family, youth and juvenile services established pursuant to NRS 62.1264 whose official duties require them to enforce court orders on juvenile offenders and make arrests;

(19) Field investigators of the taxicab authority; [and]

(20) Security officers employed full time by a city or county whose official duties require them to carry weapons and make arrests [.] *; and*

(21) The chief of a department of alternative sentencing created pursuant to section 9 of this act and the assistant alternative sentencing officers employed by that department.

(b) "Category III peace officer" means peace officers whose authority is limited to correctional services, and includes the superintendents and correctional officers of the department of prisons.".

Amend sec. 8, page 5, by deleting line 4 and inserting:

"Sec. 12. 1. This section and sections 1 to 7, inclusive, 9, 10 and 11 of this act become effective on July 1, 1995.

2. Section 8 of this act becomes effective at 12:01 a.m. on July 1, 1995.".

Amend the title of the bill to read as follows: "An Act relating to state government; transferring the capitol police to the department of motor vehicles and public safety; revising the duties of the capitol police and the chief of the buildings and grounds division of the department of administration; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting: "Nevada highway patrol division of".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 702.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1368.

Amend the bill as a whole by deleting sections 1 through 23 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. 1. The department of taxation shall study and evaluate the desirability and feasibility of imposing a state license fee on sexually oriented businesses. The department shall request the assistance of the commission on economic development, the commission on tourism and any other person or governmental entity it deems appropriate.

2. The executive director of the department shall, on or before December 1, 1996, deliver a report of the department's findings and any recommended legislation to the director of the legislative counsel bureau for transmittal to the members of the 69th session of the Nevada legislature.".

Amend the title of the bill to read as follows: "An Act relating to sexually oriented enterprises; providing for an evaluation of the desirability and feasibility of imposing a state license fee on sexually oriented businesses; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides for evaluation of desirability and feasibility of imposing state license fee on sexually oriented businesses. (BDR S-1690)".

Assemblyman Stroth moved the adoption of the amendment.

Remarks by Assemblyman Stroth.

Amendment adopted.

Assemblyman Stroth moved that Assembly Bill No. 702 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Senate Bill No. 386.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1281.

Amend section 1, page 1, line 19, after the period by inserting: "*In addition, the board shall also report the results of other examinations of pupil achievement administered to each pupil in the school district in grades other than 4, 8 and 11. The results of these examinations for the current school year must be compared with those of previous school years.*".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Anderson moved that Senate Bill No. 467 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 288.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1330.

Amend the bill as a whole by deleting sections 1 through 4 and renumbering sections 5 and 6 as sections 1 and 2.

Amend sec. 5, page 2, line 42, by deleting "*years*"' and inserting "*years of*".

Amend sec. 5, page 2, line 47, by deleting "*police forces,*" and inserting "*law enforcement,*".

Amend sec. 5, page 2, line 48, by deleting "*probation; and*" and inserting "*probation;*".

Amend sec. 5, page 3, line 2, by deleting "*problems.*" and inserting: "*problems; and*

(e) Advocacy of victim's rights.".

Amend sec. 5, page 3, line 16, by deleting "two" and inserting "[two] *four*".

Amend sec. 6, page 3, line 36, by deleting "years"' and inserting "years of".

Amend sec. 6, page 3, line 41, by deleting "police forces," and inserting "law enforcement,".

Amend sec. 6, page 3, line 42, by deleting "probation; and" and inserting "probation;".

Amend sec. 6, page 3, by deleting line 44 and inserting: "violence and urban social problems; and

(e) Advocacy of victim's rights.".

Amend sec. 6, page 4, line 13, by deleting "two" and inserting "four".

Amend the bill as a whole by renumbering sections 7 and 8 as sections 6 and 7 and adding new sections designated sections 3 through 5, following sec. 6, to read as follows:

"Sec. 3. NRS 213.1087 is hereby amended to read as follows:

213.1087 1. After the initial terms, the term of office of each member of the board is 4 years.

2. Appointments to the board must be made by the governor within 60 days from the time any vacancy occurs.

3. *The governor shall not appoint a person to serve as a member of the board for more than two terms. A member of the board shall be deemed to have served a full term if he serves as a member for more than 2 years during any given term.*

4. Members of the board are in the unclassified service of the state. They shall devote their entire time and attention to the business of the board and shall not pursue any other business or occupation or hold any other office of profit which detracts from the full and timely performance of their duties.

[4.] *5.* Any member of the board may administer an oath or affirmation to any person offering to testify upon the hearing of an application for parole or in a parole revocation hearing, and any district judge, county clerk or notary public may take and certify an affidavit or deposition to be used upon such an application, either for or against it, or in a parole revocation hearing.

Sec. 4. NRS 213.10987 is hereby amended to read as follows:

213.10987 1. The board shall adopt by regulation *specific* standards *for each type of convicted person* to assist the board in determining whether to release on parole or revoke the parole of a convicted person who is otherwise eligible for parole or on parole [.] , *including, without limitation, standards for determining whether to release on parole or revoke the parole of a person:*

(a) Who committed a capital offense.

(b) Who was sentenced to serve a term of imprisonment for life.

(c) Who was convicted of a sexual offense involving the use or threat of use of force or violence.

(d) Who was convicted as a habitual criminal.

(e) Who is a repeat offender.

(f) Who was convicted of any other type of offense.

The standards must be based upon objective criteria for determining the person's probability of success on parole.

2. In establishing the standards, the board shall first consider all factors which are relevant in determining the probability that a convicted person will live and remain at liberty without violating the law if parole is granted or continued. *Such considerations must include, without limitation:*

(a) The severity of the crime committed;

(b) The criminal history of the person;

(c) Any disciplinary action taken against the person while incarcerated;

(d) Any previous parole violations or failures;

(e) Any potential threat to society or himself; and

(f) The length of his incarceration.

3. The *standards adopted by the* board [shall adjust the standards to] *must* provide *for* a greater punishment for a convicted person who has a history of repetitive criminal conduct or who commits a serious crime, with a violent crime considered the most serious, than for a convicted person who does not have a history of repetitive crimes and did not commit a serious crime.

4. When adopting regulations pursuant to this section, the board shall follow the procedure set forth in chapter 233B of NRS for the adoption of regulations.

5. The board shall report to each regular session of the legislature:

(a) The number and percentage of decisions regarding parole which conflicted with the standards; and

(b) Any recommendations regarding the standards.

Sec. 5. NRS 213.110 is hereby amended to read as follows:

213.110 1. Subject to the provisions of NRS 213.120, the board shall [have power to] establish rules and regulations under which any prisoner who is now or hereafter may be imprisoned in the state prison, or in another jurisdiction as provided in NRS 176.045, may be allowed to go upon parole outside of the buildings or enclosures, but to remain, while on parole, in the legal custody and under the control of the board and subject at any time to be taken within the enclosure of the state prison.

2. The board, for good cause and in order to permit induction into the military service of the United States, may suspend paroles during the period of the parolee's active service after induction into the military service.".

Amend sec. 7, page 4, by deleting line 25 and inserting:

"[(2) A]

(b) One member of the board [and] *who is assisted by* a case hearing representative . [; or".

Amend sec. 7, page 4, line 27, by deleting: "[paragraph (b) of]" and inserting: "paragraph [(b)] *(a)* of".

Amend sec. 7, page 4, line 40 by deleting "cases." and inserting: "cases [.] *and the size of the panel required for each type of case.*".

Amend sec. 8, page 5, by deleting lines 9 and 10 and inserting:

"213.135 1. The board may [, upon the basis of qualification requirements it deems pertinent and essential,] establish and maintain".

Amend sec. 8, page 5, by deleting lines 13 through 15 and inserting:

"2. *Each member on the list of persons eligible to serve as a case hearing representative must have at least:*

(a) A bachelor's degree in criminal justice, law enforcement, sociology, psychology, social work, law or the administration of prisons or parole and not less than 6 years of experience in one or several of those fields; or

(b) Ten years of experience in one or several of the fields specified in paragraph (a).

3. The chairman of the board may, as the necessities of the caseload demand, designate a person [or persons from such] *from the* list to serve as a case hearing representative [, either as a referee or as a member of a panel] in the".

Amend the bill as a whole by deleting sec. 9, renumbering sec. 10 as sec. 9 and adding a new section designated sec. 8, following sec. 8, to read as follows:

"Sec. 8. NRS 178.484 is hereby amended to read as follows:

178.484 1. Except as otherwise provided in [subsection 5,] *subsections 2 and 5,* a person arrested for an offense other than murder of the first degree must be admitted to bail.

2. *A person arrested for a felony who has been released on probation or parole for a different offense must not be admitted to bail unless:*

(a) A court issues an order directing that the person be admitted to bail;

(b) The state board of parole commissioners directs the detention facility to admit the person to bail; or

(c) The division of parole and probation of the department of motor vehicles and public safety directs the detention facility to admit the person to bail.

3. A person arrested for murder of the first degree may be admitted to bail unless the proof is evident or the presumption great by any competent court or magistrate authorized by law to do so in the exercise of discretion, giving due weight to the evidence and to the nature and circumstances of the offense.

[3.] 4. A person arrested for a battery upon his spouse, former spouse, a person to whom he is related by blood, a person with whom he is or was actually residing or with whom he has a child in common, his minor child or a minor child of that person, must not be admitted to bail sooner than 12 hours after his arrest.

[4.] *5.* The court may, before releasing a person arrested for an offense punishable as a felony, require the surrender to the court of any passport the person possesses.

[5.] *6.* Before a person may be admitted to bail, he must sign a document stating that:

(a) He will appear at all times and places as ordered by the court releasing him and as ordered by any court before which the charge is subsequently heard;

(b) He will comply with the other conditions which have been imposed by the court and are stated in the document; and

(c) If he fails to appear when so ordered and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.

The signed document must be filed with the clerk of the court of competent jurisdiction as soon as practicable, but in no event later than the next business day.".

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

"Sec. 10. Notwithstanding the provisions of NRS 213.1087, the term of any member appointed to the state board of parole commissioners between July 1, 1995, and July 1, 1997, expires on July 1, 1997.".

Amend sec. 11, page 6, by deleting line 5 and inserting:

"Sec. 11. 1. This section, section 1 and sections 3 to 10, inclusive,".

Amend sec. 11, page 6, line 7, by deleting "6" and inserting "2".

Amend the title of the bill, second line, after "commissioners;" by inserting: "making various other changes related to parole;".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 421.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1351.

Amend section 1, page 1, line 5, by deleting "*6.7*" and inserting "*17*".

Amend section 1, page 1, line 7, by deleting "*9*" and inserting "*23*".

Amend the title of the bill, second line, by deleting: "gas and compressed natural".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 637.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1337.

Amend the bill as a whole by deleting sections 1 through 6 and renumbering sec. 7 as section 1.

Amend sec. 7, page 5, by deleting line 33 and inserting: "NRS 202.2493, the sum of:".

Amend the bill as a whole by adding a new section designated sec. 2, following sec. 7, to read as follows:

"Sec. 2. This act becomes effective on July 1, 1995.".

Amend the bill as a whole by deleting sections 8 and 9.

Amend the title of the bill, first line, by deleting: "revising provisions governing crimes related to tobacco;".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriation to bureau of alcohol and drug abuse of rehabilitation division of department of employment, training and rehabilitation for enforcement of certain laws relating to tobacco. (BDR S-1692)".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblymen Arberry and Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 401.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Senate Bill No. 401:

YEAS—38.

NAYS—Bennett, Manendo—2.

Absent—Allard, Fettic—2.

Senate Bill No. 401 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 467.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Senate Bill No. 467:

YEAS—40.

NAYS—None.

Absent—Allard, Fettic—2.

Senate Bill No. 467 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 192, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

LYNN HETTRICK	KATHY AUGUSTINE
BARBARA E. BUCKLEY	RAYMOND C. SHAFFER
MAUREEN E. BROWER	SUE LOWDEN
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Hettrick moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 192.

Remarks by Assemblyman Hettrick.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Tiffany moved that Assembly Bill No. 649 be re-referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess until 3:30 p.m.

Assembly in recess at 2:48 p.m.

ASSEMBLY IN SESSION

At 4 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 338, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BOB PRICE, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 371, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 416 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that Senate Bills Nos. 338, 371 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 338.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1303.

Amend section 1, page 1, line 9, by deleting: "*proceeds of the tax*" and inserting: "*cost of the project*".

Amend section 1, page 2, by deleting lines 1 through 3 and inserting:

"*3. A county which receives proceeds from the sale or lease of residential real property acquired pursuant to this section shall create a revolving account in the county treasury for each project to which such proceeds are attributable. The proceeds must be deposited in the account for the project to which they pertain. The interest and income earned on the money in each account must be deposited in the account and must be expended in the same manner as provided in this subsection for the use of the money in the account. The money in the account must be used for the purposes of paragraph (a) of subsection 1 for the project to which the account pertains until the project is complete. Upon completion of the project, the balance of the money in the account which pertains to the project must be applied toward existing debt related to the project.*".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 371.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1328.

Amend section 1, page 1, by deleting lines 13 through 20 and inserting:

"*(a) Is the proximate cause of the death of or bodily harm to any person other than himself or damage to the property of a person other than himself; or*

(b) Operates the motor vehicle in a manner which endangers or is likely to endanger any person other than himself or the property of any person other than himself,".

Amend section 1, page 1, line 23, by deleting the bracket.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

GENERAL FILE AND THIRD READING

Senate Bill No. 416.

Bill read third time.

Remarks by Assemblymen Humke, Anderson, Ernaut and Manendo.

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. Senate Bill No. 416 modifies the sentencing of persons convicted of felonies. Under this measure, the judge must sentence such a person to a minimum and a maximum term of imprisonment within the limits prescribed by statute. The minimum sentence imposed must not be more than 40 percent of the maximum sentence. An offender is required to serve the minimum sentence imposed by the judge, and there is no parole eligibility during this period. In addition, no credits earned in prison apply to reduce the minimum sentence. After serving the minimum sentence, the offender is eligible for parole and sentence reducing credits which are applied to reduce the maximum.

Senate Bill No. 416 places each felony in state law into one of the following five categories based on the type of sentence that may be imposed:

Category A contains the felonies for which the judge may impose a sentence of life without the possibility of parole. Felonies carrying a potential sentence of death are also included in this category.

Category B contains the felonies for which the judge may impose a sentence that is not less that one year nor more than 20 years.

Category C contains the felonies for which the judge may impose a sentence not less than one year nor more than five years.

Category D contains the felonies for which the judge may impose a sentence not less than one year nor more than four years.

Category E contains the felonies for which probation is mandatory, but the judge imposes an underlying prison sentence of not less than one year nor more than four years.

With the indulgence of the Speaker, my Co-Chairman will present the balance of our prepared remarks.

ASSEMBLYMAN ANDERSON:

Senate Bill No. 416 also increases the penalty for certain felonies, including murder, rape, burglary and child abuse, and decreases the penalty for other felonies, such as possession and trafficking of controlled substances. This measure also amends the drug trafficking statutes of changing the mandatory minimum fines to mandatory maximum fines.

Senate Bill No. 416 authorizes judges to design programs unique to an offender's situation and requires the judge to monitor the program to determine whether the offender is responding appropriately. Offenders may be required to obtain a private bond as a condition of probation or an alternative program of restitution for felonies that involve fraud.

The "super" habitual criminal provision is also provided in Category A felony. This legislation requires the prosecutor to charge the offender as a habitual offender if the offender's current charge is one of the violent or sex-related felonies listed in these provisions and the offender has two prior convictions for such felonies. If the offender is convicted, the penalty is life without the possibility of parole, life with the possibility of parole after 10 years or a definite term of 25 years with parole eligibility after 10 years have been served.

This legislation also prohibits the Board of Pardons Commissioners from reducing a sentence of death or life without parole for first degree to a sentence that allows parole.

This act is effective on July 1, 1995.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I rise in support of Senate Bill No. 416. In my opinion, Senate Bill No. 416 is the single most important issue that we will pass in this legislature.

I think many of us were sent here with a mandate. I know 19 freshmen were. People in the State of Nevada and all across this country were tired of crime and tired of the criminal justice system as a whole.

Senate Bill No. 416 has gone a long ways to rectifying those problems. It sends an unarguable message to people who want to commit crimes in the State of Nevada. That is, if you commit crimes, you will do the time you are sentenced to. If you are sentenced to 10 years, you will do 10 years.

At the beginning of the session, I brought a bill which I never introduced because I was waiting to see how this bill turned out. It was an absolute abolishment of parole and the Parole Board. It was the ultimate truth in sentencing.

I was very proud of the Senate, Senator James, the Governor and very proud of our Judiciary Co-Chairmen. I think their explanation of this bill today spoke volumes of the fact that this bill was bipartisan and very important. I think this body, as does the whole process, deserves a round of applause for this bill. We have done a good thing here today, and I think you should all be proud.

ASSEMBLYMAN MANENDO:

Thank you, Mr. Speaker. I rise in support of Senate Bill No. 416. The public's tolerance for a criminal justice system that releases violent offenders back to our streets and neighborhoods has reached its end.

I read that Nevadan's now have a 1-in-16 chance each year of being a victim of a violent crime. With a state that lives off odds, in gaming that is, in this case the lower the odds, the higher the chance is that you will lose your life.

The plan eliminates parole for violent criminals, requires mandatory minimum sentences, frees up prison space for the most violent criminals, and places substance abuse offenders in alternative incarceration programs. Inmates will have to serve up to 40 percent of the maximum sentence before they start gaining good time credits used to win parole.

This would allow the state to more effectively use its prison system to keep the violent people in and direct the nonviolent people to other community based programs.

Another element that this bill does, is to let victims know exactly what the penalty will be. I urge you to support Senate Bill No. 416. Thank you.

Roll call on Senate Bill No. 416:

YEAS—41.

NAYS—None.

Absent—Allard.

Senate Bill No. 416 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Assembly Bill No. 707, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 707 be placed on the Second Reading File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Assembly Bill No. 655, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 27, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 310.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 130, 317, 330, 385, 624, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Joint Resolutions Nos. 33, 38, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 28.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day adopted, as amended, Assembly Concurrent Resolution No. 7, and respectfully requests your honorable body to concur in said amendment.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 707.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1296.

Amend sec. 2, page 1, by deleting line 3 and inserting:

"Sec. 2. *1. Except as otherwise provided in subsection 2, each identification card issued by the department on or after October 1, 1995, expires on the fourth anniversary of*".

Amend sec. 2, page 1, line 8, by deleting "2. *Each*" and inserting:

"*2. An identification card does not expire if it is valid on or after the holder's 65th birthday.*

3. Each".

Amend sec. 2, page 1, line 11, by deleting "*3.*" and inserting "*4.*".

Amend sec. 6, page 2, by deleting lines 29 through 35 and inserting:

"483.860 1. Every applicant for an *original* identification card must furnish proof of his age by presenting a birth certificate issued by a state or the District of Columbia or other proof of the applicant's date of birth, including, but not limited to, a driver's license issued by another state or the

District of Columbia, or a baptismal certificate and such other corroboration of the matters stated in his application as are required of applicants for a driver's license.

2. Every applicant who has been assigned a social security number must furnish proof of his social security number by displaying:".

Amend sec. 7, page 2, by deleting lines 41 through 44 and inserting:

"483.870 1. An identification card once issued remains valid [so long as the] *as long as:*

(a) The person does not become licensed to drive a motor vehicle [and the] *;*

(b) The facts and circumstances declared in the application and stated in the card do not change [. An] *; and*

(c) The card does not expire pursuant to section 2 of this act.

The holder of an identification card [must be surrendered] *shall*".

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

"Sec. 8. Section 6 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the bill, second line, by deleting "cards;" and inserting: "cards under certain circumstances;".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 187.

The following Senate amendment was read:

Amendment No. 764.

Amend section 1, page 1, by deleting line 10 and inserting: "3.] The *director may*".

Amend section 1, page 1, line 11, after "*release*" by inserting "*personal*".

Amend section 1, page 1, line 13, after "*from*" by inserting: "*the person who holds a lien on the vehicle or*".

Amend section 1, page 1, by deleting line 18 and inserting: "*agency or an agency of a local government which collects fines imposed for parking violations:*".

Amend section 1, page 2, line 6, by deleting "*shall,*" and inserting: "*shall conduct an investigation regarding the person about whom information is being requested or,*".

Amend section 1, page 2, line 8, after "*205.240,*" by inserting "*205.345,*".

Amend section 1, page 2, by deleting lines 9 and 10 and inserting "*205.445.*".

Amend section 1, page 2, by deleting lines 12 through 16 and inserting: "*not release any personal information*".

Amend section 1, page 2, lines 22 and 23, by deleting: "*the name, residential address and telephone number of a person*" and inserting: "*any personal information*".

Amend section 1, page 2, line 30, by deleting: "*a signed affidavit.*" and inserting: "*appearing personally and complying with the other requirements of this subsection.*".

Amend section 1, page 2, line 38, by deleting "*Thefts*" and inserting: "*Safety and thefts*".

Amend section 1, page 3, line 12, by deleting "*person*" and inserting: "*private investigator, private patrolman or security consultant*".

Amend section 1, page 3, by deleting lines 14 through 16 and inserting: "*6. A person who requests and receives personal information*".

Amend section 1, page 3, line 17, by deleting "5".

Amend section 1, page 3, by deleting lines 18 and 19 and inserting: "*subsection 5. Such a person must keep and maintain for a*".

Amend section 1, page 3, line 20, by deleting "2" and inserting "5".

Amend section 1, page 3, line 23, by deleting: "*must, pursuant to a court order,*" and inserting "*must*".

Amend section 1, page 3, line 26, by deleting "private" and inserting "[private]".

Amend section 1, page 3, line 27, by deleting "for:" and inserting "for [:".

Amend section 1, page 3, line 29, by deleting "An" and inserting "An] *an*".

Amend section 1, page 3, line 35, after "section." by inserting: "*Such regulations must include a procedure that allows a person, at the time of issuance or renewal of an operator's permit, title, registration or identification card, to prohibit disclosure of information about himself for any purpose not authorized by this section.*".

Amend section 1, page 3, line 36, after "*requesting*" by inserting "*personal*".

Amend section 1, page 3, line 37, by deleting: "*pursuant to paragraph (d), (g) or (h) of subsection 5*".

Amend section 1, page 3, line 40, by deleting "*by telephone*" and inserting: "*electronically or by written request*".

Amend section 1, page 3, line 46, after "*sale*" by inserting "*or disclosure*".

Amend section 1, page 4, between lines 9 and 10, by inserting:

"*11. As used in this section, "personal information" means information which reveals the identity of a person, including his photograph, social security number, driver's license number, identification card number, name, address, telephone number or information regarding a medical condition or disability. The term does not include the zip code of a person when separate*

from his full address, information regarding vehicular accidents or driving violations in which he has been involved or other information otherwise affecting his status as a driver.".

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

"Sec. 2. NRS 482.170 is hereby amended to read as follows:

482.170 Except as otherwise provided in NRS 481.063 and 485.316, all *personal information in the* records of registration and licensing in the offices of the department are [public records and open to inspection by the public during business hours.] *confidential and must not knowingly be disclosed by the department.*".

Amend the title of the bill to read as follows:

"An Act relating to motor vehicles; prohibiting the department of motor vehicles and public safety from disclosing personal information of a person except under certain circumstances; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Chowning moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 187.

Remarks by Assemblyman Chowning.

Motion carried.

Bill ordered transmitted to the Senate.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bill No. 52; Senate Bills Nos. 63, 189, 332, 337, 483, 493, 567; Senate Joint Resolution No. 24.

REMARKS FROM THE FLOOR

Assemblyman Anderson requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. The Co-Chairman of Judiciary and I want to recognize a very important part of our ability, and that of our committee, to do this job. That is, the gentleman who is standing in the back of the room who often receives little recognition, Mr. Dennis Neilander. Dennis has his head down and is doing his work, trying to avoid attention, as usual. It is because of his and Allison Combs' hard work that your Judiciary Committee was able to produce a piece of legislation such as Senate Bill No. 416, the truth in sentencing bill, that we just passed. Their hard work, together, has made Nevada's Legislature accomplish something that other state legislatures have taken two or three sessions to accomplish. I wanted to make sure Dennis was recognized for his hard work.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Close, the privilege of the floor of the Assembly Chamber for this day was extended to Art Foote.

On request of Assemblyman Hettrick, the privilege of the floor of the Assembly Chamber for this day was extended to Megan Riley and Andrea Donati.

Assemblyman Perkins moved that the Assembly adjourn until Wednesday, June 28, 1995 at 10:30 a.m.

Motion carried.

Assembly adjourned at 4:25 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-FOURTH DAY

CARSON CITY (Wednesday), June 28, 1995

Assembly called to order at 11:15 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Father, this year we have laughed together and we have cried. We've fussed and we've hugged. We've argued and we've agreed. We've been appalled as well as applauded.

As we hope to soon leave this place, may we depart as friends ever anxious to serve the people of Nevada. Thank You for the opportunity to do so.

I've led prayers in various forms this year, this one I publicly close in the Name of Jesus. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which was re-referred Assembly Bill No. 672, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 485, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 129, 463, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 352, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 516, 557, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

SANDRA TIFFANY, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 282, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Ways and Means.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 214, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 734; Senate Bills Nos. 243, 392, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Bill No. 246, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Concurrent Resolution No. 32, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Assembly Bill No. 729, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bills Nos. 468, 694, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 408, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and re-refer to the Committee on Elections and Procedures.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 448, 517, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA TIFFANY, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 27, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 298.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 61.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Krenzer, Freeman, Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams:

Assembly Concurrent Resolution No. 50—Commending the Junior League of Las Vegas for pursuing issues related to children.

WHEREAS, The Junior League of Las Vegas is an affiliate of the Association of Junior Leagues International, established in New York City in 1901; and

WHEREAS, The Junior League is an organization dedicated to volunteerism and improving the community through the effective action and leadership of trained volunteers; and

WHEREAS, The Junior League of Las Vegas is committed to identifying and addressing the needs of the children of Nevada; and

WHEREAS, The 1995 publication of the Junior League of Las Vegas titled *Focus on Nevada's Children* reveals through alarming statistics the critical problems of poverty, abuse and inadequate health care and education affecting the children of Nevada; and

WHEREAS, The Junior League of Las Vegas reports that the infant mortality rate in Nevada rose from 8.5 deaths per 1,000 live births in 1985 to 9.2 deaths per 1,000 live births in 1991, while the national infant mortality rate fell from 10.6 to 8.9 deaths per 1,000 live births for the same period; and

WHEREAS, The Junior League of Las Vegas reports that Nevada ranks 50th in the nation in the amount of money spent on preschool education and that Nevada ranks 35th in the nation in spending per pupil enrolled in public schools; and

WHEREAS, The Junior League of Las Vegas reports that almost 54 percent of children 2 years of age in Nevada were not fully immunized in 1992; and

WHEREAS, The Junior League of Las Vegas reports that the pregnancy rate of teenagers in Nevada is the second highest in the nation and that teenagers in Nevada attempt suicide at a rate twice the national average; and

WHEREAS, The Junior League of Las Vegas, through its publication of *Focus on Nevada's Children* and its service to the community, has both publicized the problems confronting the children of Nevada and labored to alleviate them; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the Junior League of Las Vegas are hereby commended for their commitment to children's issues and for bringing children's issues into the public forum; and be it further

RESOLVED, That the members of the 68th session of the Nevada Legislature recognize that the welfare of the children of Nevada is of the utmost importance to the future of our society; and be it further

RESOLVED, That the members of the 68th session of the Nevada Legislature recognize the need to address the critical problems of poverty, abuse and inadequate health care and education encountered by an alarming number of children in Nevada; and be it further

RESOLVED, That the members of the 68th session of the Nevada Legislature recognize that to address the critical problems facing the children of Nevada it is necessary to build strong families through the education of parents about parenting skills and the prevention of abuse and to strengthen existing laws and policies that protect children from abuse; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Junior League of Las Vegas.

Assemblyman Krenzer moved the adoption of the resolution.

Remarks by Assemblymen Krenzer, Chowning, Freeman, Spitler and Segerblom.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN KRENZER:

Thank you, Mr. Speaker. Each and every Nevadan should be horrified and appalled by the statistics contained in this booklet. We should be embarrassed and motivated to take action for those who cannot take care of themselves. The Junior League has come forward and brought this to our attention in this powerful booklet. It has a distinct account and brings to light this critical issue. Thank you.

ASSEMBLYMAN CHOWNING:

Thank you, Mr. Speaker. I stand in support of Assembly Concurrent Resolution No. 50. This is not the only time that a compelling, graphically illustrated book has been presented. The work that the Junior League has put into this is absolutely commendable. The child abuse that is shown in such a graphic way is very, very effective. The books that they have brought before have been equally as effective. As a citizenry group, we all owe them a great deal of thanks.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I also rise in support of Assembly Concurrent Resolution No. 50. The Junior League is the "grass roots" people of issues regarding families. The work that they do is factual and well done. I would like to thank the people in the Junior League. They help us alot. Those of us who have a chance and an opportunity to change public policy thank them for their efforts.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. I, also, stand in support of this resolution. One of the great things about Junior League is they have probably touched more nonprofit groups, particularly in southern Nevada, than almost any other organization. They have provided seed money for so many important things for people in southern Nevada to enjoy. I am thinking of Spring Mountain Ranch and of the summer theater. This was actually begun with seed money from Junior League. The work that this organization does really deserves the praise and attention that it is receiving today. Thank you, Mr. Speaker.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. I stand in support of this resolution. The Junior League, especially in Las Vegas, are the people I am concerned with. They have started many programs for young people and for parents. We need to commend them because those programs they started are still being continued in Clark County. Thank you.

Resolution adopted unanimously.

Assemblyman Krenzer moved that all rules be suspended and that Assembly Concurrent Resolution No. 50 be immediately transmitted to the Senate.

Motion carried unanimously.

Senate Concurrent Resolution No. 61.

Assemblyman Dini moved the adoption of the resolution.

Remarks by Assemblymen Dini, Close and Ohrenschall.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker, ladies and gentlemen of this Assembly. I am very proud to have known Kenny Guinn all of these years. Our association started in the 1967 and 1969 sessions when O'Callahan was Governor. We were very close and worked together on a lot of education matters. Throughout the years, I have watched this man progress as a great leader in this state.

Recently, he went to Las Vegas and took over the University of Nevada, Las Vegas when there were problems. He is a real force in this state. I think everyone in the State of Nevada knows Kenny Guinn and what a good man he is. We are very proud to have him in Nevada.

He has become the Chairman of the Board of PriMerit Bank in between his stints in education. He is known to me as one of the first real leaders to be progressive in bringing education in Nevada up to the standards they are today. He ought to be commended. I hope everyone in this room knows who Kenny Guinn is because he is a great man.

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker. I rise in support of Senate Concurrent Resolution No. 61. Kenny Guinn means a lot to the State of Nevada. He has done a lot, not just in southern Nevada, but the entire state. I have had the opportunity of knowing Mr. Guinn for sometime, not only as a friend, but as a patient and in other areas, too.

I look back at the time that he served as superintendent of the Clark County Schools, and the effort he put forth on behalf of our children. I think the results of his efforts are still in effect today and the benefits that are still being derived in our county because of that. But, I think that when he took over UNLV, for those of us in southern Nevada, he was looked at as a savior, because we were in difficult straits.

I think he brought his business acumen into an environment which previously was lacking business acumen. He has brought UNLV to a point now which I think is on the right track. I certainly support this resolution. I urge you to support it also.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Mr. Speaker. To you and through you to this distinguished body. I, too, am honored to have known Kenny Guinn for a long time. The only thing I can add is that he accomplished a miracle when he headed up the Clark County schools. He went on to continue that craving with common sense coupled with learning into a business acumen in banking. He went on to triple it and complete a perfect record when he went to help UNLV. It is my honor to rise in support of this resolution.

Resolution adopted unanimously.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 736—An Act relating to state employees; establishing the maximum allowed salaries for employees in the unclassified service of the state; making appropriations; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 737—An Act relating to public schools; apportioning the state distributive school account in the state general fund for the biennium 1995-1997; making an appropriation; authorizing certain expendi-

tures; providing for a final adjustment following the close of a fiscal year; making various other changes concerning the administration of public school money; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bills Nos. 176, 288, 421, 447, 637, 691, 695, 707, 718; Senate Bills Nos. 314, 338, 371, 386, 390, 414, 474, 519, 526 be placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 655.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1346.

Amend the bill as a whole by deleting sections 1 through 65 and the text of repealed sections and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 319.173 is hereby amended to read as follows:

319.173 1. [The administrator shall appoint] *There is hereby created* an advisory committee on housing to [advise him, pursuant to subsection 4, on the] *review and provide to the director of the department of business and industry and the administrator advice, recommendations and other commentary regarding:*

(a) The investment of money or issuance of obligations [.] *by the division.*

(b) The development of new programs or the improvement of existing programs of the division.

(c) The improvement of policies and procedures of the division, including those relating to the dissemination of relevant information to persons who participate in or are otherwise interested in programs of the division.

(d) The administration of the account for low-income housing.

(e) Any other matters referred to the advisory committee by the director or administrator.

2. The advisory committee consists of [five members as follows:] *the director of the department of business and industry or his representative, and eight members appointed by the director. The director shall appoint to the advisory committee:*

(a) One representative of an association of mortgage bankers in this state , [chosen by the administrator,] selected from a list of names submitted to the [administrator] *director* by that association.

(b) One representative of persons engaged in residential construction in this state.

(c) One representative of banks [in this state.

(d) One representative of] *or* savings and loan associations *in this state who is knowledgeable about making mortgage loans.*

(d) One member who is knowledgeable about the sale and marketing or the management of real property in this state.

(e) One [representative of financial institutions in general that loan money for mortgages.] *member who is knowledgeable about the development or management of nonprofit housing in this state.*

(f) One member who is knowledgeable about housing programs sponsored, administered or supported by local governments in this state.

(g) One member who is knowledgeable about federal housing programs administered by the division.

(h) One member who is an advocate of affordable housing.

The members of the advisory committee are not entitled to any additional compensation for their service in that capacity.

3. *The director of the department of business and industry or his representative shall serve as the chairman of the advisory committee.* The advisory committee shall meet [from time to time] *at least once each calendar quarter, and* at the *call of the chairman or upon the* written request of the administrator or a majority of the members of the committee.

4. [At least 15 days before] *The administrator shall submit annually to the advisory committee for its review, comment and recommendations a work plan for the activities of the division for the succeeding calendar year. The work plan must include:*

(a) The expected needs for financing and anticipated demand for tax credits and sources of funding for each of the programs administered by the division.

(b) Strategies for meeting those needs and demands.

(c) A plan for resolving any anticipated problems in carrying out those strategies.

(d) A plan for the allocation of the resources of the division, including the allotment of its employees' time, to carry out the work plan in such a manner as to serve the entire area of the state adequately.

(e) Any other matters which are critical to the success of any programs administered by the division.

5. Before the:

(a) Investment of money of the division pursuant to NRS 319.171; or

(b) Submission of findings to the state board of finance pursuant to subsection 4 of NRS 319.323,

the administrator shall submit a plan of investment or a plan of financing , *together* with any proposed findings *relating to that plan,* to the advisory committee for its review and comment.

[5.] *6.* The administrator shall report [at least twice each year] to the *advisory* committee *at least once each calendar quarter* on the activities of the division [.] *and the implementation of the division's work plan for that year.*

Sec. 2. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

The housing division of the department shall maintain its principal office in Las Vegas, Nevada.

Sec. 3. NRS 232.505 is hereby amended to read as follows:

232.505 As used in NRS 232.505 to 232.840, inclusive, *and section 2 of this act,* unless the context requires otherwise:

1. "Department" means the department of business and industry.

2. "Director" means the director of the department.

Sec. 4. 1. This section and section 1 of this act become effective on October 1, 1995.

2. Sections 2 and 3 of this act become effective on July 1, 1997.".

Amend the title of the bill to read as follows: "An Act relating to the housing division of the department of business and industry; revising the provisions regarding the advisory committee on housing; requiring the division to maintain its principal office in Las Vegas, Nevada; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions regarding advisory committee on housing and provides for location of principal office of housing division of department of business and industry. (BDR 25-1896)".

Assemblyman Tiffany moved the adoption of the amendment.

Remarks by Assemblyman Tiffany.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

GENERAL FILE AND THIRD READING

Assembly Bill No. 176.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Assembly Bill No. 176:

YEAS—42.

NAYS—None.

Assembly Bill No. 176 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 288.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1399.

Amend sec. 9, page 6, line 27, by deleting: "June 30, 1999." and inserting: "July 1, 1997.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 421.

Bill read third time.

Remarks by Assemblyman Marvel.
Roll call on Assembly Bill No. 421:
YEAS—42.
NAYS—None.

Assembly Bill No. 421 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 447.
Bill read third time.
Remarks by Assemblyman Carpenter and Chowning.
Roll call on Assembly Bill No. 447:
YEAS—42.
NAYS—None.

Assembly Bill No. 447 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 637.
Bill read third time.
Remarks by Assemblymen Allard, Bennett and Marvel.
Potential conflict of interest declared by Assemblyman Ohrenschall.
Roll call on Assembly Bill No. 637:
YEAS—42.
NAYS—None.

Assembly Bill No. 637 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 691.
Bill read third time.
Remarks by Assemblyman Marvel.
Roll call on Assembly Bill No. 691:
YEAS—42.
NAYS—None.

Assembly Bill No. 691 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 695.
Bill read third time.
Remarks by Assemblymen Close, Segerblom, Tiffany, Giunchigliani, Lambert, Fettic and Anderson.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker. Assembly Bill No. 695 creates a presidential primary election in Nevada on the fourth Tuesday in March, 1996. The bill requires a person who wishes to be a candidate for the nomination of President of the United States for a major political

party to pay to the Secretary of State a filing fee of $1,000 and submit the slate of delegates pledged to his or her candidacy in each congressional district. If only one candidate files for a party's nomination for President, that candidate's delegates must be certified by the Secretary of State as the party's delegates to the national convention. If no candidate files for a political party, the state central committee of that party must select the delegates to the applicable national convention. The bill further provides that the candidate winning the most votes of his or her political party, in each of Nevada's two congressional districts, will receive all the delegates to the national convention for that particular district.

Additionally, the bill provides that the presidential primary must be conducted by mail and the election materials will resemble those distributed for absentee voting. The bill also specifies that a registered voter may vote in person at the county clerk's office during the period of early voting authorized by law. Furthermore, upon recommendation by the Secretary of State and approval of the State Board of Examiners, the cost of the election will be charged against the state's statutory contingency account. The bill appropriates $200,000 from the State General Fund to the statutory contingency account.

Both your Elections and Procedures and Ways and Means Committees have held hearings on this bill and support a do pass.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. To my colleague from Las Vegas. If only one political party wants to have a Presidential primary, it will be held?

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker. To you, to my colleague from Boulder City. If only one party wants to have a primary, they can still have it. But, if there is only one candidate, as was amended yesterday, it would be up to the central committee of that party to make that decision.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. Again, to my colleague from Las Vegas. Will the state pick up the tab for one political party to have a primary?

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker. Again, through you and to my colleague from Boulder City. There has been a constitutional challenge in other states where the states have attempted not to pick up the tab. This was found to be unconstitutional. Therefore, that is the reason we kept it that way.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. Again, to my colleague from Las Vegas. We had Presidential primaries in 1976 and 1980, why were they discontinued?

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker. I can't answer that question, so I would yield to anyone else who has the answer.

ASSEMBLYMAN TIFFANY:

Thank you, Mr. Speaker. To you and through you to my colleague from Clark County, we had two Presidential primary elections in the past under Governor O'Callaghan. The reasons that they were cancelled were: one, it was held too late in the session, as it was held in May and all the Presidential candidates were already chosen. The second reason was there was a low voter turnout. After O'Callaghan left office, the legislature decided to sunset that.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. May I speak to my colleague from Henderson? If the voter turnout was so low, why do you think there will be a larger turnout now?

ASSEMBLYMAN TIFFANY:

Thank you, Mr. Speaker. To you and through you to my colleague from Clark County, that is why we have done an all mail-in voter ballot because the testimony from the voter

registrars from Carson, Douglas and Clark counties all testified that when it is an all mail-in ballot, you have a larger response. We based the fiscal note on a 50 percent response, which between 35 and 50 percent is anticipated, according to the experts.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. I believe in 1980 it was 49 percent and felt to be too low. Thank you.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I rise in opposition to Assembly Bill No. 695. I want to thank this body for its consideration yesterday on the amendment that was offered. I believe that the legislature should not mandate to the major parties what type of Presidential election they can have. I do want to thank you for that consideration.

I still have concerns that weren't addressed within the legislation. The first being the issue of total mail-in ballots. There were some very strong questions that were asked, but not answered, regarding security of those ballots. Secondly, the fiscal note included in the bill is $200,000 and we had testimony that if everyone worked, because they have to mail out the ballots with self-addressed return, that it could go upwards to $700,000, which would impact the contingency fund.

I also believe, personally, in the caucus structure, it forces parties to go out and organize and involve people to the process. My other concern is if you challenge, and one Presidential preference is selected, they choose the slate of the candidates that go to the convention, not anyone else. Therefore, it allows for political patronage. Those are some of the concerns. I commend, though, that we've had a debate and if the parties chose to do so, they will go forward and allow individuals to cast their ballots for their Presidential preference. These were some areas of dissension. Thank you.

ASSEMBLYMAN LAMBERT:

Thank you, Mr. Speaker. I rise in support of Assembly Bill No. 695. There is no way anyone can convince me that it is more fair for less than 1,000 insiders to select a Presidential nominee than all the registered voters of a political party. All Nevadan's must be given the right to select their Presidential preference. The cost of the system is designed to discourage widespread participation, by its complexity and its inconvenience to the regular run-of-the mill voters. It's time to open up this process by enacting Assembly Bill No. 695. Thank you, Mr. Speaker.

ASSEMBLYMAN FETTIC:

Thank you, Mr. Speaker. To you and through you to this honorable body, I rise in support of Assembly Bill No. 695 because it opens up the political process for nominating the President of the United States. The current caucus system for selecting Nevada's delegates at the National Convention is effectively closed to the average citizen who may not have the time to spend hours of time at a precinct meeting or a county convention. As a people's representative, we should be intent upon assuring our electoral process is easily accessible to as many voters as possible. The direct mail-in Presidential primary provided for in Assembly Bill No. 695 does just that. It opens up the process to all the people. I urge your support for Assembly Bill No. 695.

ASSEMBLYMAN TIFFANY:

Mr. Speaker, to you and through you to this honorable body, I rise in support of Assembly Bill No. 695 which restores a Presidential primary in Nevada because it opens up the process of nominating our Presidential candidates to all the registered voters of our major political parties.

Currently, delegates to our national conventions are selected in a truncated and unrepresentative system that begins with the precinct caucus. The few people who attend the precinct caucus then elect delegates to the county convention, the delegates to the county convention then elect delegates to the state convention and finally, less than 1,000 insiders of each major political party select the delegates to our national party conventions, effectively shutting out from the process the hundreds of thousands of registered voters in each of our major political parties who do not have the time or opportunity to take part in lengthy precinct caucuses and county and state conventions.

We have a 24-hour-a-day, seven-day-a-week economy. At any time or on any day, almost one-third of our workforce is denied the opportunity to take part in a precinct meeting. This is unfair and undemocratic. And it is totally at odds with Nevada's history and tradition of encouraging as widespread voter participation as possible.

Nevada became a state in order to help abolish slavery and grant to the former slaves full citizenship and the right to vote.

We adopted women suffrage six years before the rest of the nation.

We enjoy the right of initiative and referendum as well as the right to recall public officials. We enacted motor-voter registration long before it was done on the federal level.

The precinct caucus system is totally at odds with our history and tradition and of making it as easy as possible for voters to take part in the process of government.

Assembly Bill No. 695 establishes a simple and direct way for Nevadans to nominate their choice for President. Briefly, a presidential candidate files his or her declaration of candidacy with the Secretary of State, pays a $1,000 filing fee and files the slate of delegates in each congressional district pledged to that candidacy. The primary is to be held on the 4th Tuesday in March, along with the California primary. In 1976 and 1980, when Nevada experimented with a presidential primary the date for the primary was at the end of May, after the nomination was effectively settled. That's why turnout was low.

To increase voter participation, this does two things: it gears it to the California primary date so that candidates stopping in Los Angeles will also likely visit Las Vegas, and those stopping in San Francisco will visit the Reno media market and put Nevada on the map. Assembly Bill No. 695 also provides for a mail-in ballot to all registered voters of the major political parties. This will not only increase voter participation, but will also save money by not making it necessary to hire poll workers at each precinct. As amended, this is permissive and it is up to the state central committee of each major political party to decide if they want to participate in the primary. I hope both of them will do so.

Assembly Bill No. 695 is simple, direct and designed to minimize cost. It has a sunset provision so that the next legislature must determine if it should be maintained. Depending on whether one or both major parties have primaries and the size of the mail response, it could cost as little as $200,000 to conduct the primary.

This is a small amount to pay when you consider the price others have paid for the right to vote. As expressed by the great Lincoln who observes our every act, "This is a government of the people, by the people and for the people; not some of the people, but all the people!"

This is the essence of Assembly Bill No. 695. I urge my colleagues to extend the presidential franchise to all the people by voting for Assembly Bill No. 695.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. It's not often that I get to agree with the gentle woman from Assembly District No. 21. I want to support this historic speech. The reason I'm supporting this, is because it is vital. I believe, as a historian, and I do characterize myself as such, in this particular instance. I believe the political parties are alive and well and growing. It is able to keep up to date. It is an opportunity to do not what others are doing, but rather to broaden it's opportunity for people to participate. In this regard, I'm always willing to try something new and different to get people to sit down and be quiet, and to participate in the political process.

Assemblymen Bache, Lambert and Giunchigliani moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 695.

Roll call on Assembly Bill No. 695:

YEAS—38.

NAYS—Bache, de Braga, Giunchigliani, Segerblom—4.

Assembly Bill No. 695 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 707.

Bill read third time.

Remarks by Assemblyman Krenzer.

Roll call on Assembly Bill No. 707:

YEAS—42.

NAYS—None.

Assembly Bill No. 707 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 718.

Bill read third time.

Remarks by Assemblyman Goldwater.

Roll call on Assembly Bill No. 718:

YEAS—38.

NAYS—Close, Harrington, Manendo, Monaghan—4.

Assembly Bill No. 718 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sandoval moved that Assembly Bills Nos. 282, 408, 468, 694, 729, 734; Senate Bills Nos. 129, 214, 243, 246, 352, 392, 448, 463, 485, 516, 517, 557 be placed on the Second Reading File.

Motion carried.

Assemblyman Sandoval moved that Senate Bill No. 531 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Humke moved that Assembly Bill No. 288 be placed at the top of the General File.

Motion carried.

Assemblyman Dini moved that Senate Bill No. 133 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Carpenter moved that Senate Bill No. 171 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Chowning moved that Assembly Bill No. 103 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

Assemblyman Chowning moved that Senate Bill No. 322 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Sandoval moved that all rules be suspended and that Assembly Bills Nos. 176, 421, 447, 637, 691, 695, 707, 718 be immediately transmitted to the Senate.

Motion carried unanimously.

Assemblyman Chowning moved that Senate Bill No. 322 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Bill No. 712 be taken from the Chief Clerk's desk and placed at the top of the the Second Reading File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 28, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted Senate Concurrent Resolution No. 62.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 317.

The following Senate amendment was read:

Amendment No. 1083.

Amend section 1, pages 1 and 2, by deleting lines 8 through 18 on page 1 and lines 1 and 2 on page 2, and inserting: "*jurisdiction of the juvenile court, who has been previously adjudicated delinquent for committing an offense which would have been a felony if committed in this state by an adult and who is now charged with or has been convicted as an adult for:*

(a) A sexual assault involving the use or threatened use of force or violence against the victim; or

(b) Any offense involving the use or threatened use of a deadly weapon or an attempt to commit such an offense.".

Amend sec. 2, pages 2 and 3, by deleting lines 42 through 48 on page 2, and lines 1 through 6 on page 3, and inserting:

"*(2) If the child has been previously adjudicated delinquent for committing an offense which would have been a felony if committed in this state by an adult and the child was 16 years of age or older at the time of the alleged offense:*

(I) A sexual assault involving the use or threatened use of force or violence against the victim; or

(II) Any offense involving the use or threatened use of a deadly weapon or an attempt to commit such an offense.".

Amend sec. 4, page 3, by deleting lines 33 through 45 and inserting: "*ages of 16 years and 18 years, who has been previously adjudicated delinquent for committing an offense which would have been a felony if committed in this state by an adult, is accused of:*

(a) A sexual assault involving the use or threatened use of force or violence against the victim; or

(b) Any offense involving the use or threatened use of a deadly weapon or an attempt to commit such an offense,

and the indictment or information has been filed in the district court of the".

Amend sec. 5, page 4, line 30, by deleting "If" and inserting: "[If] *Except as otherwise provided in subsection 2, if*".

Amend sec. 5, page 4, by deleting line 37 and inserting:

"2. *If a child 14 years of age or older is charged with:*

(a) A sexual assault involving the use or threatened use of force or violence against the victim; or

(b) Any offense involving the use or threatened use of a deadly weapon or an attempt to commit such an offense,

and the child was 14 years of age or older at the time he allegedly committed the offense charged, the juvenile division of the district court, after full investigation, shall certify the child for proper criminal proceedings to any court which would have jurisdiction to try the offense if committed by an adult, unless the court specifically finds that the child was not a principal actor in the offense or that exceptional circumstances exist because the child's actions were substantially the result of his substance abuse or emotional or behavioral problems and such substance abuse or problems may be appropriately treated through the jurisdiction of the juvenile division.

3. Except as otherwise provided in subsection [3,] *4*, after such a child has".

Amend sec. 5, page 4, line 47, by deleting "3." and inserting "[3.] *4.*".

Amend sec. 8, page 9, line 13, by deleting "*Order*" and inserting: "*If the child is less than 17 years of age, order*".

Amend sec. 14, page 13, by deleting lines 32 through 35 and inserting: "charge of habitual criminality may be based, the prosecuting attorney may file a notice of habitual criminality with the court. If an indictment is found charging a primary offense upon which a charge of [habitually] *:*

(a) Habitually fraudulent felon may be based, the prosecuting attorney shall file a notice of habitually fraudulent felon with the court.

(b) Habitually violent felon may be based, the prosecuting attorney shall file a notice of habitually violent felon with".

Amend sec. 17, page 14, by deleting lines 17 and 18 and inserting:

"*(i) Two members who are assemblymen, one of whom is appointed by the speaker of the assembly and one of whom is appointed by the minority leader of the assembly.*".

Amend sec. 20, page 16, line 19, by deleting "*and*".

Amend sec. 20, page 16, line 20, by deleting "*parole,*" and inserting: "*parole; and*

(d) Serving a term of residential confinement,''.

Amend sec. 20, page 16, line 25, by deleting ''*and*''.

Amend sec. 20, page 16, line 26, by deleting '' *parole,*'' and inserting: ''*parole; and*

(d) Serving a term of residential confinement,''.

Amend sec. 21, page 16, by deleting line 36 and inserting: ''pursuant to NRS 207.010 , [or] a habitually fraudulent felon pursuant to section 2 of [this act,] *Assembly Bill No. 570 of this session or a habitually violent felon pursuant to section*''.

Amend sec. 21, page 17, line 8, by deleting: ''[no] *a* report is *not*'' and inserting: ''a report is not''.

Amend sec. 24, page 18, by deleting lines 4 through 19 and inserting:

''*(a) Has been convicted in this state of a felony listed in subsection 2; and*

(b) Before the commission of that felony, was twice convicted of any crime which under the laws of the situs of the crime or of this state would be a felony listed in subsection 2, whether the prior convictions occurred in this state or elsewhere,

is a habitually violent felon and shall be punished by imprisonment in the state prison:

(1) For life without the possibility of parole;

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

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

2. The prosecuting attorney shall include a count under this section in any information or shall file a notice of habitually violent felon if an indictment is found, if each prior conviction and the alleged offense committed by the accused constitutes a violation of subsection 1 of NRS 199.330, NRS 199.160, 199.500, 200.030, 200.320, 200.330, 200.340, 200.366, 200.380, 200.390, 200.400, NRS 200.410, subsection 3 of NRS 200.450, subsection 4 of NRS 200.460, NRS 200.465, subsection 2 of NRS 200.508, NRS 200.710, 200.720, 201.230, 201.450, 202.170, 202.270, subsection 2 of NRS 202.780, paragraph (b) of subsection 2 of NRS 202.820, subsection 2 of NRS 202.830, NRS 205.010, subsection 4 of NRS 205.060, subsection 4 of NRS 205.067, NRS 205.075, 207.400, paragraph (a) of subsection 1 of NRS 212.090, NRS 453.333, 484.219 or 484.3795.''.

Amend the bill as a whole by deleting sec. 25 and inserting:

''Sec. 25. (Deleted by amendment.)''.

Amend sec. 26, pages 19 and 20, by deleting lines 5 through 48 on page 19 and lines 1 through 4 on page 20, and inserting:

''207.010 1. Unless the person is prosecuted pursuant to section 2 of [this act,] *Assembly Bill No. 570 of this session or section 24 of this act,* a person convicted in this state of [any] *:*

(a) Any crime of which fraud or intent to defraud is an element, or of petit larceny, or of any felony, who has previously been [twice] *two times* convicted, whether in this state or elsewhere, of any crime which under the laws of the situs of the crime or of this state would amount to a felony, or

who has previously been three times convicted, whether in this state or elsewhere, of petit larceny, or of any misdemeanor or gross misdemeanor of which fraud or intent to defraud is an element, is a habitual criminal and shall be punished by imprisonment in the state prison for not less than [10] *5* years nor more than 20 years.

[2. Unless the person is prosecuted pursuant to section 2 of this act, a person convicted in this state of any crime of which fraud or intent to defraud is an element, or of petit larceny, or of any felony,]

(b) Any felony involving the use or threatened use of force or violence against the victim, who has previously been three times convicted, whether in this state or elsewhere, of any crime which under the laws of the situs of the crime or of this state would amount to a felony, or who has previously been five times convicted, whether in this state or elsewhere, of petit larceny, or of any misdemeanor or gross misdemeanor of which fraud or intent to defraud is an element, is a habitual criminal and shall be punished by imprisonment in the state prison for life with or without the possibility of parole. If the penalty fixed by the court is life imprisonment with the possibility of parole, eligibility for parole begins when a minimum of 10 years has been served.

[3.] *2.* It is within the discretion of the prosecuting attorney whether or not to include a count under this section in any information or file a notice of habitual criminality if an indictment is found. The trial judge may, at his discretion, dismiss a count under this section which is included in any indictment or information.".

Amend sec. 27, page 20, by deleting lines 9 and 10 and inserting: "*the standards adopted by the director pursuant to subsection 3 and who has:*

(a) Established a position of employment in the community;

(b) Enrolled in a program for education or rehabilitation; or

(c) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime,

assign the offender to the custody of the division of parole and probation of the depart-".

Amend sec. 27, page 20, by deleting lines 40 through 42 and inserting: "*including a violation of NRS 484.3792 or 484.3795;*

(f) Has escaped or attempted to escape from any jail or correctional institution for adults; or

(g) Has not made an effort in good faith to participate in or to complete any educational or vocational program or any program of treatment, as ordered by the director,".

Amend the bill as a whole by deleting sec. 28 and inserting:

"Sec. 28. (Deleted by amendment.)".

Amend sec. 29, page 22, by deleting lines 30 through 34 and inserting:

"*1. If a person is convicted of murder of the first degree before, on or after July 1, 1995, the board shall not commute:*

(a) A sentence of death; or

(b) A sentence of imprisonment in the state prison for life without the possibility of parole,
to a sentence that would allow parole.

2. If a person is convicted of any crime other than murder of the first degree on or after July 1, 1995, the board shall not commute:

(a) A sentence of death; or

(b) A sentence of imprisonment in the state prison for life without the possibility of parole,
to a sentence that would allow parole.".

Amend the bill as a whole by deleting sec. 31 and inserting:

"Sec. 31. (Deleted by amendment.)".

Amend sec. 39, page 27, line 11, by deleting "district" and inserting "prosecuting".

Amend sec. 39, page 27, line 15, by deleting "[forthwith] *immediately*" and inserting "immediately".

Amend sec. 39, page 27, line 24, after "criminal," by inserting: "habitually fraudulent felon,".

Amend sec. 40, page 27, line 37, by deleting "district" and inserting "prosecuting".

Amend sec. 40, page 27, line 41, by deleting "[forthwith] *immediately*" and inserting "immediately".

Amend sec. 40, page 28, line 2, after "criminal," by inserting: "habitually fraudulent felon,".

Amend sec. 41, page 28, line 36, by deleting "Order" and inserting: "If the child is less than 17 years of age, order".

Amend sec. 42, page 30, line 43, after "207.010" by inserting: ", a habitually fraudulent felon pursuant to section 2 of Assembly Bill No. 570 of this session".

Amend the bill as a whole by renumbering sections 43 through 47 as sections 50 through 54, and adding new sections designated sections 43 through 49, following sec. 42, to read as follows:

"Sec. 43. Section 1 of Assembly Bill No. 297 of this session is hereby amended to read as follows:

Sec. 8. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212, if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court

shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) If the child is less than 17 years of age, order the parent, guardian or custodian of the child, and any brothers, sisters or other persons living in the same household as the child over whom the court has jurisdiction to attend or participate in counseling, alone or together with the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse or techniques of dispute resolution.

(f) Order the parent or guardian of the child to participate in a program designed to provide restitution to the victim of an act committed by the child or to perform public service.

(g) Order the parent or guardian of the child to pay all or part of the cost of the proceedings, including, but not limited to, reasonable attorney's fees, any costs incurred by the court and any costs incurred in the investigation of an act committed by the child and the taking into custody of the child.

(h) Order the suspension of the child's driver's license for not more than 2 years. If the child does not possess a driver's license, the court may prohibit the child from applying for a driver's license for not more than 2 years:

(1) Immediately following the date of the order, if the child is eligible to apply for a driver's license.

(2) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to apply for a license on the date of the order.

If the court issues an order suspending the driver's license of a child pursuant to this paragraph, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order. If, pursuant to this paragraph, the court issues an order delaying the ability of a child to apply for a driver's license, the court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety a copy of the order. The department of motor vehicles and public safety shall not report a suspension pursuant to this

paragraph to an insurance company or its agent inquiring about the child's driving record or require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this paragraph, unless the suspension resulted from his poor performance as a driver.

(i) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(j) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(k) Require the child to provide restitution to the victim of the crime which the child has committed.

(l) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

2. *If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.*

3. In determining the appropriate disposition of a case concerning a child found to be within the purview of this chapter, the court shall consider whether the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim of the act and whether the child is a serious or chronic offender. If the court finds that the act committed by the child involved the use of a firearm or the use or threatened use of force or violence against the victim or that the child is a serious or chronic offender, the court shall include the finding in its order and may, in addition to the options set forth in [subsection] *subsections* 1 *and* 2 of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public or the child.

[3.] *4.* At any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

[4.] *5.* Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

[5.] *6.* In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

Sec. 44. Sections 17 and 18 of Assembly Bill No. 361 of this session are hereby amended to read as follows:

Section 17. NRS 62.020 is hereby amended to read as follows:

62.020 As used in this chapter, unless the context otherwise requires:

1. "Adult" means a person 18 years of age or older, a person between the ages of 14 and 18 who has been certified as an adult, a person less than 18 years of age who has been convicted as an adult for murder, attempted murder, or any lesser offense included in either, or a person 16 years of age or older who is not subject to the jurisdiction of the juvenile court, who has been previously adjudicated delinquent for committing an offense which would have been a felony if committed in this state by an adult and who is now charged with or has been convicted as an adult for:

(a) A sexual assault involving the use or threatened use of force or violence against the victim; or

(b) Any offense involving the use or threatened use of a deadly weapon or an attempt to commit such an offense.

2. "Child" means a person less than 18 years of age or a person less than 21 years of age who committed an act of delinquency before reaching the age of 18 years, unless in either case he has been certified or sentenced as an adult.

3. "Court" means the juvenile division of the district court.

4. *"Indian child" has the meaning ascribed to it in 25 U.S.C. § 1903.*

5. *"Indian Child Welfare Act" means the Indian Child Welfare Act of 1978 (25 U.S.C. § 1901 et seq.).*

6. "Judge" means the judge of the juvenile division of the district court.

[5.] *7.* "Juvenile court" or "juvenile division" means:

(a) In any judicial district that includes a county whose population is 100,000 or more, the family division of the district court; or

(b) In any other judicial district, the juvenile division of the district court.

[6.] *8.* "Minor traffic offense" means a violation of any state or local law, ordinance or resolution governing the operation of a motor vehicle upon any street, alley or highway within this state other than:

(a) A violation of chapter 484 or 706 of NRS that causes the death of a person;

(b) Driving a motor vehicle while under the influence of intoxicating liquor, a controlled substance or a drug in violation of NRS 484.379; or

(c) Any traffic offense declared to be a felony.

Sec. 18. NRS 62.040 is hereby amended to read as follows:

62.040 1. Except *if the child involved is subject to the exclusive jurisdiction of an Indian tribe, and except* as otherwise provided in this chapter, the court has exclusive original jurisdiction in proceedings:

(a) Concerning any child living or found within the county who is in need of supervision because he:

(1) Is a child who is subject to compulsory school attendance and is a habitual truant from school;

(2) Habitually disobeys the reasonable and lawful demands of his parents, guardian, or other custodian, and is unmanageable; or

(3) Deserts, abandons or runs away from his home or usual place of abode,

and is in need of care or rehabilitation. The child must not be considered a delinquent.

(b) Concerning any child living or found within the county who has committed a delinquent act. A child commits a delinquent act if he violates a county or municipal ordinance or any rule or regulation having the force of law, or he commits an act designated a crime under the law of the State of Nevada except:

(1) Murder or attempted murder or any related crime arising out of the same facts as the murder or attempted murder.

(2) If the child has been previously adjudicated delinquent for committing an offense which would have been a felony if committed in this state by an adult and the child was 16 years of age or older at the time of the alleged offense:

(I) A sexual assault involving the use or threatened use of force or violence against the victim; or

(II) Any offense involving the use or threatened use of a deadly weapon or an attempt to commit such an offense.

(c) Concerning any child in need of commitment to an institution for the mentally retarded.

2. If a child is charged with a minor traffic offense, the court may transfer the case and record to a justice's or municipal court if the judge determines that it is in the best interest of the child. If a case is so transferred:

(a) The restrictions set forth in subsection 4 of NRS 62.170 are applicable in those proceedings; and

(b) The child must be accompanied at all proceedings by a parent or legal guardian.

With the consent of the judge of the juvenile division, the case may be transferred back to the juvenile court.

Sec. 45. Sections 7, 17 and 18 of Assembly Bill No. 374 of this session are hereby amended to read as follows:

Sec. 7. NRS 62.226 is hereby amended to read as follows:

62.226 1. Except as otherwise provided in subsection 3, whenever any child is found to have committed the unlawful act of:

(a) Using, possessing, selling or distributing a controlled substance; [or]

(b) Purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020 [,] *; or*

(c) Placing graffiti on or otherwise defacing the public or private property, real or personal, of another, in violation of NRS 206.125 or section 3 of this act,

the judge, or his authorized representative, may, if the child possesses a driver's license, issue an order suspending the child's driver's license for not more than 2 years. If such an order is issued, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order.

2. If the child does not possess a driver's license and the child is or will be eligible to apply for a driver's license within the 2 years immediately following the date of the order, the judge, or his authorized representative, may issue an order prohibiting the child from applying for a driver's license for a period specified by the court but not to exceed 2 years:

(a) Immediately following the date of the order, if the child is eligible to apply for a driver's license.

(b) After the date the child will be eligible to apply for a driver's license, if the child is not eligible to apply for a license on the date of the order.

The court shall, within 5 days after issuing the order, forward to the department a copy of the order.

3. If a child is already the subject of a court order suspending or delaying the issuance of his driver's license, the court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

4. The department of motor vehicles and public safety [shall not:

(a) Treat] :

(a) Shall not treat such an unlawful act in the manner statutorily required for moving traffic violations.

(b) [Report] *Shall report* a suspension pursuant to this section to an insurance company or its agent inquiring about the child's driving record. *An insurance company shall not use the information obtained pursuant to this paragraph for purposes related to establishing premium rates or determining whether to underwrite the insurance.*

(c) [Require] *Shall not require* the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this section unless the suspension also resulted from his poor performance as a driver.

Sec. 17. NRS 483.250 is hereby amended to read as follows:

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

1. To any person who is under the age of 16 years, except that the department may issue:

(a) A restricted license to a person between the ages of 14 and 16 years pursuant to the provisions of NRS 483.267 and 483.270.

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

(c) A restricted instruction permit to a person under the age of 16 years pursuant to the provisions of subsection 3 of NRS 483.280.

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

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

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

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

6. To any person when the administrator has good cause to believe that by reason of physical or mental disability that person would not be able to drive a motor vehicle with safety upon the highways.

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

8. To any child who is the subject of a court order issued pursuant to paragraph (h) of subsection 1 of NRS 62.211 or NRS 62.226 which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to section 3 of this act which suspends or delays his privilege to drive until the expiration of the period of suspension or delay.

Sec. 18. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by statute, the department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of NRS 484.3795 or subsection 2 of NRS 484.377 or homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance.

(2) A third or subsequent violation within 7 years of NRS 484.379.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the department under NRS 483.010 to 483.630, inclusive, or under any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484.379 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484.379.

2. The department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege.

3. When the department is notified by a court that a person who has been convicted of violating NRS 484.379 has been permitted to enter a program of treatment pursuant to NRS 484.3794 the department shall reduce by half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The department shall revoke the license, permit or privilege of a driver who is required to install a device pursuant to NRS 484.3943 but operates a motor vehicle without such a device:

(a) For 1 year if it is his first such offense during the period of required use of the device.

(b) For 5 years if it is his second such offense during the period of required use of the device.

5. When the department is notified that a court has [, pursuant] :

(a) Pursuant to paragraph (h) of subsection 1 of NRS 62.211 or NRS 62.226, ordered the suspension or delay in issuance of a child's license [,] *; or*

(b) Pursuant to section 3 of this act, ordered the suspension or delay in issuance of a person's license,

the department shall take such actions as are necessary to carry out the court's order.

Sec. 46. Sections 2 and 4 of Assembly Bill No. 93 of this session are hereby amended to read as follows:

Sec. 2. NRS 209.429 is hereby amended to read as follows:

209.429 1. The director [may, at the request of an offender who has:

(a) Established a position of employment in the community; and

(b) Successfully completed the initial period of rehabilitation required under the program of treatment established pursuant to NRS 209.425,

assign the] *shall assign an* offender to the custody of the division of parole and probation of the department of motor vehicles and public safety to serve a term of residential confinement, pursuant to NRS 213.380, for not longer than the remainder of his sentence [.] *if:*

(a) The offender has:

(1) Established a position of employment in the community;

(2) Enrolled in a program for education or rehabilitation; or

(3) Demonstrated an ability to pay for all or part of the costs of his confinement and to meet any existing obligation for restitution to any victim of his crime;

(b) The offender has successfully completed the initial period of treatment required under the program of treatment established pursuant to NRS 209.425; and

(c) The director believes that the offender will be able to:

(1) Comply with the terms and conditions required under residential confinement; and

(2) Complete successfully the remainder of the program of treatment while under residential confinement.

If an offender assigned to the program of treatment pursuant to subsection 3 of NRS 209.427, completes the initial phase of the program and thereafter refuses to enter the remainder of the program of treatment pursuant to this section, the offender forfeits all or part of the credits for good behavior earned by him before this refusal, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender, and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

2. Before a person may be assigned to serve a term of residential confinement pursuant to this section, he must submit to the division a signed document stating that:

(a) He will comply with the terms or conditions of his residential confinement; and

(b) If he fails to comply with the terms or conditions of his residential confinement and is taken into custody outside of this state, he waives all his rights relating to extradition proceedings.

3. If an offender assigned to the custody of the division of parole and probation pursuant to this section escapes or violates any of the terms or conditions of his residential confinement:

(a) The division of parole and probation may, pursuant to the procedure set forth in NRS 213.410, return the offender to the custody of the department of prisons.

(b) The offender forfeits all or part of the credits for good behavior earned by him before the escape or violation, as determined by the director. The director may provide for a forfeiture of credits pursuant to this paragraph only after proof of the offense and notice to the offender, and may restore credits forfeited for such reasons as he considers proper. The decision of the director regarding such a forfeiture is final.

4. The assignment of an offender to the custody of the division of parole and probation pursuant to this section shall be deemed:

(a) A continuation of his imprisonment and not a release on parole; and

(b) For the purposes of NRS 209.341, an assignment to a facility of the department of prisons,

except that the offender is not entitled to obtain any benefits or to participate in any programs provided to offenders in the custody of the department of prisons.

5. [No person has] *A person does not have* a right to be assigned to the custody of the division of parole and probation pursuant to this section, or to remain in that custody after such an assignment, and it is not intended that the provisions of this section or of NRS 213.371 to 213.410, inclusive, *and section 3 of this act,* create any right or interest in liberty or property or establish a basis for any cause of action against the state, its political subdivisions, agencies, boards, commissions, departments, officers or employees.

Sec. 4. NRS 213.371 is hereby amended to read as follows:

213.371 As used in NRS 213.371 to 213.410, inclusive, *and section 3 of this act,* unless the context otherwise requires:

1. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

2. "Offender" means a prisoner assigned to the custody of the division pursuant to NRS 209.429 or section 27 of [this act.] *Assembly Bill No. 317 of this session.*

3. "Residential confinement" means the confinement of an offender to his place of residence under the terms and conditions established by the division.

Sec. 47. Sections 2 and 3 of Assembly Bill No. 425 of this session are hereby amended to read as follows:

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in [subsection 2,] *subsections 2 and 3,* after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484.379 and half the period during which the driver is not eligible for a license has expired, the department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. After a driver's license has been suspended pursuant to paragraph (h) of subsection 1 of NRS 62.211 or NRS 62.226, the department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both; and

(b) If applicable, to and from school.

3. *After a driver's license has been suspended pursuant to section 1 of this act, the department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:*

(a) If applicable, to and from work or in the course of his work, or both;

(b) To receive regularly scheduled medical care for himself or a member of his immediate family; and

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

4. A driver who violates a condition of a restricted license issued [under] *pursuant to* subsection 1 or by another jurisdiction is guilty of a misdemeanor, and if his license was suspended or revoked for a violation of NRS 484.379, 484.3795, 484.384 or homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance, or the violation of a law of any other jurisdiction which prohibits the same conduct, he shall be punished in the manner provided by subsection 2 of NRS 483.560.

[4.] 5. The periods of suspensions and revocations [under] *required pursuant to* this chapter and [under] NRS 484.384 must run consecutively, except as *otherwise*provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

[5.] *6.* Whenever the department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 3. NRS 483.495 is hereby amended to read as follows:

483.495 The department shall by regulation:

1. Except as otherwise provided in paragraph (h) of subsection 1 of NRS 62.211 , [and] subsection 4 of NRS 62.226 [,] *and section 1 of this act,* set forth any tests and other requirements which are a condition for the reinstatement of a license after any suspension, revocation, cancellation or voluntary surrender of the license. The tests and requirements:

(a) Must provide for a fair evaluation of a person's ability to operate a motor vehicle; and

(b) May allow for the waiver of certain tests or requirements as the department deems necessary.

2. Set forth the circumstances under which the administrator may, for good cause shown, rescind the revocation, suspension or cancellation of a license, or shorten the period for the suspension of a license.

Sec. 48. Section 1 of Assembly Bill No. 567 of this session is hereby amended to read as follows:

Section 1. NRS 62.193 is hereby amended to read as follows:

62.193 1. Proceedings concerning any child alleged to be delinquent, in need of supervision or in need of commitment to an institution for the mentally retarded are not criminal in nature and must be heard separately from the trial of cases against adults, and without a jury. The hearing may be conducted in an informal manner and may be held at a juvenile detention facility or elsewhere at the discretion of the judge. Stenographic notes or other transcript of the hearing are not required unless the court so orders. All proceedings pursuant to this chapter must be open to the general public unless the judge, or in case of a reference, the referee, upon his own motion or upon the motion of another person, determines that all or part of the proceedings must be closed to the general public because such closure is in the best interests of the child or the general public. If the judge or referee determines that all or part of the proceedings must be closed to the general public, the general public must be excluded and only those persons having a direct interest in the case may be admitted, as ordered by the judge or referee. The judge or referee in his sole discretion may determine that a victim or any member of a victim's family is a person having a direct interest in the case who may be admitted to the proceedings.

2. The court shall provide written notice of any hearing after the initial detention hearing to the parent, guardian or custodian of the child together with a copy of a notice which the parent, guardian or custodian may provide to his employer. The employer's copy of the notice must set forth the date and time of the hearing and the provisions of NRS 62.410. The employer's copy of the notice must not set forth the name of the child or the offense alleged.

3. The parties must be advised of their rights in their first appearance at intake and before the court. They must be informed of the specific allegations in the petition and given an opportunity to admit or deny those allegations.

4. If the allegations are denied, the court shall proceed to hear evidence on the petition. The court shall record its findings on whether the acts ascribed to the child in the petition were committed by him. If the court finds that the allegations in the petition have not been established, it shall dismiss the petition and order the child discharged from any detention or temporary care previously ordered in the proceedings, unless otherwise ordered by the court.

5. If the court finds on the basis of an admission or a finding on proof beyond a reasonable doubt, based upon competent, material and relevant evidence, that a child committed the acts by reason of which he is alleged to be delinquent, it may, in the absence of objection and except as otherwise provided in NRS 62.214, proceed immediately to make a proper disposition of the case.

6. *The court may, at the request of the prosecuting attorney, expedite the date for any adjudicatory hearing involving acts committed against a child less than 16 years of age or involving acts witnessed by a child less than 16 years of age. In making a ruling, the court may consider the effect a delay in the commencement of the hearing might have on the mental or emotional health or well-being of the child.*

7. In adjudicatory hearings all relevant and material evidence helpful in determining the questions presented, including oral and written reports, may be received by the court and may be relied upon to the extent of its probative value. The parties or their counsel must be afforded an opportunity to examine and controvert written reports so received and to cross-examine persons making reports when reasonably available.

[7.] *8.* On its motion or that of a party, the court may continue the hearings under this section for a reasonable period to receive reports and other evidence bearing on the disposition. *If the hearing involves acts committed against a child less than 16 years of age or involving acts witnessed by a child less than 16 years of age, the court may consider any adverse effect a continuance or other postponement might have upon the mental or emotional health or well-being of the child. The court may deny a continuance or other postponement if the delay will adversely affect the mental or emotional health or well-being of the child.* The court shall make an appropriate order for detention or temporary care of the child subject to supervision of the court during the period of [the continuance.

8.] *any continuance.*

9. If the court finds by preponderance of the evidence that the child is in need of supervision or is in need of commitment to an institution for the mentally retarded, the court may proceed immediately, or at a postponed hearing, to make proper disposition of the case.

[9.] *10.* Unless the court by written order extends the time for disposition of the case and sets forth specific reasons for the extension, the court shall make its final disposition no later than 60 days after the petition was filed.

[10.] *11.* The prosecuting attorney shall disclose to the victim of an act committed by a child the disposition of the child's case regarding that act if the victim, or a parent or guardian of the victim, requests such a disclosure.

Sec. 49. Section 3 of Assembly Bill No. 570 of this session is hereby amended to read as follows:

Sec. 3. 1. A conviction under NRS 207.010 [or] , section 2 of this act *or section 24 of Assembly Bill No. 317 of this session* operates only to increase, not to reduce, the sentence otherwise provided by law for the principal crime.

2. If a count under NRS 207.010 [or] , section 2 of this act *or section 24 of Assembly Bill No. 317 of this session* is included in an information charging the primary offense, each previous conviction must be alleged in the accusatory pleading, but such a conviction must not be alluded to on trial of the primary offense, nor may any allegation of the conviction be read in the presence of a jury trying the offense or a grand jury considering an indictment for the offense. A count under NRS 207.010 , [or] section 2 of this act *or section 24 of Assembly Bill No. 317 of this session* may be separately filed after conviction of the primary offense, but if it is so filed, sentence must not be imposed, or the hearing required by subsection 3 held, until 15 days after the separate filing.

3. If a defendant charged under NRS 207.010 , [or] section 2 of this act *or section 24 of Assembly Bill No. 317 of this session* is found guilty of, or pleads guilty to, the primary offense, but denies any previous conviction charged, the court shall determine the issue of the previous conviction after hearing all relevant evidence presented on the issue by the prosecution and the defendant. At such a hearing, the defendant may not challenge the validity of a previous conviction. The court shall impose sentence:

(a) Under NRS 207.010 upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitual criminality; [or]

(b) Under section 2 of this act upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitually fraudulent felon [.] *; or*

(c) Under section 24 of Assembly Bill No. 317 of this session upon finding that the defendant has suffered previous convictions sufficient to support an adjudication of habitually violent felon.

4. Nothing in the provisions of this section, NRS 207.010 [or] , section 2 of this act *or section 24 of Assembly Bill No. 317 of this*

session limits the prosecution in introducing evidence of prior convictions for [purposes] *the purpose* of impeachment or another lawful purpose.

5. For the purposes of this section, NRS 207.010 [and] , section 2 of this act [,] *and section 24 of Assembly Bill No. 317 of this session,* a certified copy of a felony conviction is prima facie evidence of conviction of a prior felony.".

Amend sec. 47, page 31, by deleting line 35 and inserting:

"Sec. 54. 1. This section and sections 1 to 13, inclusive, 15 to 20, inclusive, 22, 23, 24, 27, 29, 30 to 38, inclusive, 41, 42 to 48, inclusive, and 50 to 53, inclusive, become effective on July 1, 1995.

2. Sections 14, 21, 26, 39, 40 and 49 of this act become effective at 12:01 a.m. on July 1, 1995.".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Bill No. 317.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 62.

Assemblyman Arberry moved the adoption of the resolution.

Remarks by Assemblyman Arberry.

Assemblyman Ernaut requested that Assemblyman Arberry's remarks be entered in the Journal.

Thank you, Mr. Speaker. I have the honor of having present with me today, a lady whom I would like to praise for her courage, effort and support for victims of violent crimes.

As stated in the resolution, Mrs. Hayes moved to the southern area of the state in 1960, where she and her husband were trying to raise a family and enjoy the fruits of Nevada. Mrs. Hayes bore two sons, Gregory and Derrick. Then her husband was eliminated and removed from her family on December 8, 1969.

I understand that he was killed and left her and her sons all alone. But, Mrs. Hayes did not just let that deterrent take her away from trying to provide for her family. She decided to take up business administration at the University of Nevada, Las Vegas.

As you know, Mr. Speaker, it takes courage when you lose the bread winner and knowing you might have a shortfall. When you try to raise your family as the new bread winner, it is difficult. But, to lose your son on a day when you are out having recreation is devastating.

Her son Gregory, I understand, was playing basketball at one of our activity centers. She lost him; losing two people that were very close to her. But, I am proud to say that she said "no more." She wanted to get involved and stay involved.

I was just talking with her and she said that her doctor told her she should not be here, because I understand that she has been afflicted with cancer. I can relate, as I attended a funeral a few days ago for my Aunt who died from the same deadly disease.

Mr. Speaker, I would like this body to understand that it is people like Mrs. Hayes who in the forefront makes this Assembly and Senate what we are today. I do encourage your support of Senate Concurrent Resolution No. 62. Thank you, Mr. Speaker.

Resolution adopted unanimously.

Assemblyman Arberry moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:30 p.m.

ASSEMBLY IN SESSION

At 12:31 p.m.

Mr. Speaker presiding.

Quorum present.

SECOND READING AND AMENDMENT

Assembly Bill No. 712.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 282.

Bill read second time.

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

Amendment No. 1322.

Amend sec. 2, page 1, line 5, by deleting " *"Disadvantaged"* " and inserting " *"Underutilized"*".

Amend sec. 2, page 1, line 7, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 2, page 1, line 9, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 2, page 1, line 12, by deleting " *"Disadvantaged"* " and inserting " *"Underutilized"*".

Amend sec. 3, page 1, by deleting line 21 and inserting: "*sentative for designation as an underutilized business. A designation as an underutilized business is effective for 2 years. Upon expiration of the 2 years, a person may apply for renewal. A governing body or*".

Amend sec. 3, page 2, line 1, by deleting "*a disadvantaged*" and inserting "*an underutilized*".

Amend sec. 4, page 2, line 6, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 4, page 2, line 14, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 4, page 2, line 17, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 4, page 2, lines 20 and 21, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 4, page 2, line 25, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 4, page 2, between lines 26 and 27, by inserting:

"*(c) May require all bidders who are bidding on a contract for the purchase of any materials, supplies or equipment to demonstrate in their*

bidding materials that they have either subcontracted with an underutilized business or have made good faith efforts to subcontract with such a business to be eligible for award of the contract.".

Amend sec. 4, page 2, line 30, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 5, page 2, line 33, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 5, page 2, line 37, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 5, page 2, line 40, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 5, page 2, line 41, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend the bill as a whole by adding a new section designated sec. 5.5, following sec. 5, to read as follows:

"Sec. 5.5. *In determining whether a vendor has made good faith efforts in compliance with sections 4 and 5 of this act, the governing body of the local government shall consider whether the vendor:*

1. Has attended any meetings held by the local government regarding the policy of the local government and the law on subcontracting with underutilized businesses.

2. Has, where appropriate, subdivided its bid into specific subcontracts that may feasibly be performed by the particular businesses that the local government has identified as underutilized.

3. Has contacted specific underutilized businesses to inquire of their interest and ability to subcontract with the vendor.

4. Before opening the bidding process, advertised in one or more trade publications or other comparable advertising sources to inform underutilized businesses of the opportunity to bid for subcontracts with the vendor.

5. Responded promptly to inquiries by underutilized businesses by providing them with plans, specifications and requirements for participating in the bidding process.

6. Dealt in a fair and reasonable manner with the underutilized businesses which expressed interest in subcontracting with the vendor.

7. Requested assistance from any trade organizations that represent the needs of underutilized businesses in the process of trying to obtain participation by underutilized businesses.".

Amend sec. 6, page 2, line 45, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 6, page 2, line 47, by deleting "*a disadvantaged*" and inserting "*an underutilized*".

Amend sec. 6, page 3, line 1, by deleting "*May*" and inserting "*Shall*".

Amend sec. 6, page 3, line 2, after "*act.*" by inserting:

"*Such ordinances, rules or regulations must establish an application process for designation as an underutilized business and standards that the governing body will apply in determining whether an entity will be designated an underutilized business.*".

Amend sec. 9, page 4, line 13, by deleting " *"Disadvantaged"* " and inserting " *"Underutilized"*".

Amend sec. 9, page 4, line 15, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 9, page 4, line 17, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 9, page 4, line 20, by deleting " *"Disadvantaged"* " and inserting " *"Underutilized"*".

Amend sec. 10, page 4, by deleting line 29 and inserting: "*designation as an underutilized business. A designation as an underutilized business is effective for 2 years. Upon expiration of the 2 years, a person may apply for renewal. The purchasing division or the chief*".

Amend sec. 10, page 4, line 30, by deleting "*a disadvantaged*" and inserting "*an underutilized*".

Amend sec. 11, page 4, line 36, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 11, page 4, line 46, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 11, page 5, lines 2 and 3, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 11, page 5, line 6, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 12, page 5, line 9, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 12, page 5, lines 12 and 13, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 12, page 5, line 16, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 12, page 5, line 17, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

"Sec. 12.5. *In determining whether a vendor has made good faith efforts in compliance with section 12 of this act, the purchasing division or the chief shall consider whether the vendor:*

1. Has attended any meetings held by the purchasing division regarding the policy of the purchasing division and the law on subcontracting with underutilized businesses.

2. Has, where appropriate, subdivided its bid into specific subcontracts that may feasibly be performed by the particular businesses that the purchasing division has identified as underutilized.

3. Has contacted specific underutilized businesses to inquire of their interest and ability to subcontract with the vendor.

4. Before opening the bidding process, advertised in one or more trade publications or other comparable advertising sources to inform underutilized businesses of the opportunity to bid for subcontracts with the vendor.

5. Responded promptly to inquiries by underutilized businesses by providing them with plans, specifications and requirements for participating in the bidding process.

6. Dealt in a fair and reasonable manner with the underutilized businesses which expressed interest in subcontracting with the vendor.

7. Requested assistance from any trade organizations that represent the needs of underutilized businesses in the process of trying to obtain participation by underutilized businesses.''.

Amend sec. 13, page 5, line 22, by deleting ''*disadvantaged*'' and inserting ''*underutilized*''.

Amend sec. 13, page 5, line 24, by deleting ''*a disadvantaged*'' and inserting ''*an underutilized*''.

Amend sec. 13, page 5, line 26, by deleting ''*May*'' and inserting ''*Shall*''.

Amend sec. 13, page 5, line 27, after ''*act.*'' by inserting:

''*Such rules or regulations must establish an application process for designation as an underutilized business and standards that the purchasing division or the chief will apply in determining whether an entity will be designated an underutilized business.*''.

Amend sec. 14, page 5, line 40, by deleting ''$7,500,'' and inserting ''$10,000,''.

Amend sec. 15, page 6, line 26, by deleting ''*disadvantaged*'' and inserting ''*underutilized*''.

Amend sec. 18, page 6, line 45, by deleting '' ''*Disadvantaged*'' and inserting '' ''*Underutilized*''.

Amend sec. 18, page 6, line 47, by deleting ''*disadvantaged*'' and inserting ''*underutilized*''.

Amend sec. 18, page 7, line 2, by deleting ''*disadvantaged*'' and inserting ''*underutilized*''.

Amend sec. 18, page 7, line 5, by deleting '' ''*Disadvantaged*'' and inserting '' ''*Underutilized*''.

Amend sec. 19, page 7, by deleting lines 13 and 14 and inserting:

''Sec. 19. *A person may apply to a public body for designation as an underutilized business. A designation as an underutilized business is effective for 2 years. Upon expiration of the 2 years, a person may apply for renewal. The public body shall not grant an application for desig-*''.

Amend sec. 19, page 7, line 15, by deleting ''*a disadvantaged*'' and inserting ''*an underutilized*''.

Amend sec. 20, page 7, line 20, by deleting ''*disadvantaged*'' and inserting ''*underutilized*''.

Amend sec. 20, page 7, line 29, by deleting ''*disadvantaged*'' and inserting ''*underutilized*''.

Amend sec. 20, page 7, lines 33 and 34, by deleting ''*disadvantaged*'' and inserting ''*underutilized*''.

Amend sec. 20, page 7, line 38, by deleting ''*disadvantaged*'' and inserting ''*underutilized*''.

Amend sec. 21, page 7, line 41, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 21, page 7, line 44, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 21, page 7, line 48, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 21, page 8, line 1, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend the bill as a whole by adding a new section designated sec. 21.5, following sec. 21, to read as follows:

"Sec. 21.5. *In determining whether a vendor has made good faith efforts in compliance with section 21 of this act, the public body shall consider whether the vendor:*

1. Has attended any meetings held by the public body regarding the policy of the public body and the law on subcontracting with underutilized businesses.

2. Has, where appropriate, subdivided its bid into specific subcontracts that may feasibly be performed by the particular businesses that the public body has identified as underutilized.

3. Has contacted specific underutilized businesses to inquire of their interest and ability to subcontract with the vendor.

4. Before opening the bidding process, advertised in one or more trade publications or other comparable advertising sources to inform underutilized businesses of the opportunity to bid for subcontracts with the vendor.

5. Responded promptly to inquiries by underutilized businesses by providing them with plans, specifications and requirements for participating in the bidding process.

6. Dealt in a fair and reasonable manner with the underutilized businesses which expressed interest in subcontracting with the vendor.

7. Requested assistance from any trade organizations that represent the needs of underutilized businesses in the process of trying to obtain participation by underutilized businesses.".

Amend sec. 22, page 8, line 5, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 22, page 8, line 7, by deleting "*a disadvantaged*" and inserting "*an underutilized*".

Amend sec. 22, page 8, line 9, by deleting "*May*" and inserting "*Shall*".

Amend sec. 22, page 8, line 10, after "*act.*" by inserting:

"*Such ordinances, rules or regulations must establish an application process for designation as an underutilized business and standards that the public body will apply in determining whether an entity will be designated an underutilized business.*".

Amend sec. 23, page 8, line 32, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 26, page 10, line 16, by deleting " "*Disadvantaged*" and inserting " "*Underutilized*".

Amend sec. 26, page 10, line 18, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 26, page 10, line 20, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 26, page 10, line 23, by deleting " "*Disadvantaged*" and inserting " "*Underutilized*".

Amend sec. 27, page 10, line 38, by deleting "*a*" and inserting "*an*".

Amend sec. 27, page 10, by deleting line 39 and inserting: "*underutilized business. A designation as an underutilized business is effective for 2 years. Upon expiration of the 2 years, a person may apply for renewal. The commission shall not grant an application for*".

Amend sec. 27, page 10, line 40, by deleting "*a disadvantaged*" and inserting "*an underutilized*".

Amend sec. 28, page 10, line 45, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 28, page 11, line 2, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 28, page 11, line 5, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 29, page 11, by deleting line 11 and inserting: "*age thereof awarded to underutilized businesses. In determining whether a licensee has made a good faith effort, the commission shall consider whether the licensee:*

1. Has attended any meetings held by the commission regarding the policy of the commission and the law on contracting with underutilized businesses.

2. Has contacted specific underutilized businesses to inquire of their interest and ability to contract with the licensee.

3. Before opening the bidding process, advertised in one or more trade publications or other comparable advertising sources to inform underutilized businesses of the opportunity to bid for contracts with the licensee.

4. Responded promptly to inquiries by underutilized businesses by providing them with plans, specifications and requirements for participating in the bidding process.

5. Dealt in a fair and reasonable manner with the underutilized businesses which expressed interest in contracting with the licensee.

6. Requested assistance from any trade organizations that represent the needs of underutilized businesses in the process of trying to obtain participation by underutilized businesses.".

Amend sec. 30, page 11, line 13, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 30, page 11, line 15, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 31, page 11, line 17, by deleting "*disadvantaged*" and inserting "*underutilized*".

Amend sec. 31, page 11, line 19, by deleting "*a disadvantaged*" and inserting "*an underutilized*".

Amend sec. 31, page 11, line 21, by deleting "*May*" and inserting "*Shall*".

Amend sec. 31, page 11, line 22, after "*act.*" by inserting: "*Such rules or regulations must establish an application process for designation as an underutilized business and standards that the commission will apply in determining whether an entity will be designated an underutilized business.*".

Amend sec. 32, page 12, line 9, by deleting "*a disadvantaged*" and inserting "*an underutilized*".

Amend the title of the bill, first line, by deleting "disadvantaged" and inserting "underutilized".

Amend the summary of the bill, first line, by deleting "disadvantaged" and inserting "underutilized".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Assemblyman Arberry moved that Assembly Bill No. 282 be re-referred to the Committee on Ways and Means.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Ways and Means.

Assembly Bill No. 408.

Bill read second time.

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

Amendment No. 1223.

Amend the bill as a whole by deleting sections 1 through 4 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. 1. The legislative commission shall appoint a committee to conduct an interim study of statutes governing the disclosure of public records.

2. The committee must consist of seven members of the legislature, who are members of either the senate or assembly standing committees on government affairs.

3. The members of the committee shall select a chairman from among their members.

4. The members of the committee may meet no more than eight times during the 1995-96 biennium at the times and places and in the manner specified by a call of the chairman. Meetings may be held in person or by telephone conference or video telecast. The director of the legislative counsel bureau or a person he has designated shall act as the nonvoting recording secretary.

5. The members of the committee are entitled to receive out of the legislative fund the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session for each day

or portion of a day of attendance at a meeting of the committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207.

6. The study must include an examination of statutes governing various public records, including electronic records, to determine if an exemption from disclosure for each specific public record should be repealed, amended or added.

7. The committee shall submit a report of the results of the study and any recommended legislation to the legislative commission before the commencement of the 69th session of the Nevada Legislature.".

Amend the title of the bill to read as follows:

"An Act relating to public records; directing the legislative commission to conduct an interim study of statutes governing the disclosure of public records; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Directs legislative commission to conduct interim study of statutes governing disclosure of public records. (BDR S-1127)".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Assemblyman Lambert moved that Assembly Bill No. 408 be re-referred to the Committee on Elections and Procedures.

Motion carried.

Bill ordered reprinted, engrossed and to the Committee on Elections and Procedures.

Assembly Bill No. 468.

Bill read second time.

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

Amendment No. 1224.

Amend section 1, page 1, by deleting lines 21 through 23 and inserting: "*establish the initial threshold of any rate higher than the lowest rate, based upon greater average daily use, at the higher of the threshold set for other customers using a meter of the same size as the master meter or the product of the number of individual lots in the park multiplied by the threshold set for a single-family residence using the smallest meter used for such a residence.*".

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 694.

Bill read second time.

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

Amendment No. 1374.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 3, by deleting line 6 and inserting: "*ant to chapter 477 of NRS.*".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 2 through 4, following sec. 2, to read as follows:

"Sec. 2. Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *1. The state fire marshal shall not adopt any regulations pursuant to paragraph (f) of subsection 1 of NRS 477.030, regarding any:*

(a) Match;

(b) Emergency signal flare;

(c) Cap or other noisemaker;

(d) Model rocket;

(e) Smoke-emitting device for the protection of vehicles from thieves;

(f) Wire sparkler of less than 12 inches in length; or

(g) Similar device,

if the device contains no magnesium and less than 100 grams of pyrotechnic composition.

2. For the purposes of paragraph (f) of subsection 1 of NRS 477.030, "fireworks" is limited to the following pyrotechnic devices:

(a) Fountains which:

(1) Consist of heavy paper or cardboard;

(2) Are shaped as a cylindrical tube or cone;

(3) Produce a shower of color and sparks that does not exceed a height of 15 feet;

(4) May produce a whistle or pop; and

(5) Are not designed to explode or leave the ground.

(b) Wheels containing no more than six driver units, each of which:

(1) Has an inside diameter that does not exceed one-half inch; and

(2) Contains no more than 60 grams of pyrotechnic composition.

(c) Flitter sparklers which contain no more than 100 grams of pyrotechnic composition.

(d) Ground spinners which:

(1) Contain no more than 60 grams of pyrotechnic composition; and

(2) When discharged do not travel laterally more than 10 feet on a smooth surface.

(e) Torches and similar devices which contain no more than 100 grams of pyrotechnic composition.

(f) Smoke-producing devices which do not produce sparks or a sufficient amount of heat to ignite the surfaces upon which they are placed.

(g) Devices which:

(1) Are designed to be placed on the ground;

(2) Spin, jump or emit popping sounds; and

(3) When discharged do not:

(I) Attain a height of more than 15 feet; or

(II) Travel laterally more than 10 feet on a smooth surface.

Sec. 4. *1. Any person who stores or uses any fireworks in violation of the provisions of this chapter or any of the regulations regarding fireworks adopted by the state fire marshal pursuant to this chapter shall reimburse the state fire marshal and any agency of the state or of a local government for any costs incurred to:*

(a) Investigate any such violation.

(b) Suppress any fires resulting from that storage or use.

(c) Confiscate and dispose of any fireworks stored or possessed in violation of the provisions of this chapter or any regulations regarding fireworks adopted by the state fire marshal.

2. The state fire marshal or any agency of the state or of a local government may institute a legal proceeding to enforce the provisions of subsection 1.".

Amend sec. 3, page 4, by deleting lines 4 through 8 and inserting: "*use. The state fire marshal shall not adopt any regulations that entirely prohibit a local government from authorizing the public use of fireworks.*".

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 and 6 as sections 6 and 7.

Amend sec. 5, page 5, by deleting lines 32 and 33 and inserting: "*adopted by the state fire marshal pursuant to chapter 477 of NRS.*".

Amend sec. 6, page 5, by deleting line 45 and inserting: "*pursuant to chapter 477 of NRS.*".

Amend the title of the bill to read as follows: "An Act relating to fireworks; authorizing the state fire marshal to adopt regulations regarding the types of fireworks which a local government may authorize for public use; requiring regulations and ordinances adopted by certain governmental entities to be as restrictive as the regulations adopted by the state fire marshal; imposing civil liability for certain costs resulting from the storage or use of fireworks in violation of state law or regulation; and providing other matters properly relating thereto.".

Assemblyman Chowning moved that Assembly Bill No. 694 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Bill No. 729.

Bill read second time, ordered engrossed and to third reading.

Assembly Bill No. 734.

Bill read second time, ordered engrossed and to third reading.

Senate Bill No. 129.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1366.

Amend sec. 19, page 9, by deleting lines 14 through 16 and inserting:

"Sec. 19. The amendatory provisions of this act:

1. Do not apply to causes of action involving dental malpractice, as that term is defined in section 2 of this act, which are filed before October 1, 1995.

2. Expire by limitation on July 1, 1999.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 214.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1352.

Amend section 1, page 1, line 16, by deleting: "*and 695C.250 to 695C.300, inclusive,*" and inserting: "*695C.250, 695C.260 and 695C.265*".

Amend sec. 2, page 2, by deleting line 3 and inserting: "$12,854,622. This appropriation must be used exclusively to pay for the accrued costs of Medicaid services rendered to recipients of benefits pursuant to Aid to Families with Dependent Children and related programs, the Child Health Assurance Program and other child welfare programs, which have not been paid before the commencement of the Nevada Medicaid managed care program.".

Amend the title of the bill, fourth line, after "for" by inserting: "certain costs accrued before the commencement of".

Amend the summary of the bill, third line, after "for" by inserting: "certain costs accrued before commencement of".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 243.

Bill read second time and ordered to third reading.

Senate Bill No. 246.

Bill read second time and ordered to third reading.

Senate Bill No. 352.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1015.

Amend the bill as a whole by deleting sections 1 and 2 and adding new sections designated sections 1 through 10, following the enacting clause, to read as follows:

"Section 1. Chapter 482 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *"Charitable organization" means an organization which:*

1. The Secretary of the Treasury has determined is an exempt organization pursuant to the provisions of section 501(c) of the Internal Revenue Code; and

2. For not less than 2 years, has held a certificate of organization or has been qualified by the secretary of state to conduct business in this state.

Sec. 3. *A charitable organization may sell a vehicle which has been donated to the organization without complying with the provisions of subsection 1 of NRS 482.322 if:*

1. No member, director, officer, employee or agent of the charitable organization has a pecuniary interest in the sale of the vehicle; and

2. The charitable organization ensures that the security required pursuant to NRS 485.185 is provided for that vehicle until it is purchased.

Sec. 4. *Except as otherwise provided in NRS 482.346, the department or any other agency of this state shall not require that a dealer have his signature acknowledged before a notary public or any other person authorized to take acknowledgments in this state on any document the dealer is required to file with the department or agency.*

Sec. 5. NRS 482.010 is hereby amended to read as follows:

482.010 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 482.011 to 482.137, inclusive, *and section 2 of this act,* have the meanings ascribed to them in those sections.

Sec. 6. NRS 482.3212 is hereby amended to read as follows:

482.3212 1. The department shall issue to any dealer, distributor, rebuilder or other person, upon request, and upon payment of a fee of $8.25, a special permit, in a form to be determined by the department, for the movement of any vehicle to sell outside the State of Nevada, or for the movement outside the state of any vehicle purchased by a nonresident. The permit must be affixed to the vehicle to be so moved in a manner and position to be determined by the department, and expires 15 days after its issuance.

2. The department may issue a permit to a resident of this state who desires to move an unregistered vehicle within the state upon the payment of a fee of $8.25. The permit is valid for 24 hours.

3. The department shall, upon the request of a charitable organization which intends to sell a vehicle which has been donated to the organization, issue to that organization a permit for the operation of the vehicle until the vehicle is sold by the organization. The department shall not charge a fee for the issuance of the permit.

Sec. 7. NRS 482.322 is hereby amended to read as follows:

482.322 1. [A] *Except as otherwise provided in section 3 of this act, a* person shall not engage in the activities of a new vehicle dealer, used vehicle dealer, manufacturer, distributor or rebuilder in this state until he has been issued:

(a) A new vehicle dealer's, used vehicle dealer's, manufacturer's, distributor's, rebuilder's or lessor's license certificate or similar license or permit

by every city within whose corporate limits he maintains an established place of business and by every county in which he maintains an established place of business outside the corporate limits of a city; and

(b) A license by the department. The department shall not issue a license to the person until he has been issued all certificates, licenses and permits required by paragraph (a).

2. A vehicle dealer's, manufacturer's or rebuilder's license issued pursuant to this chapter does not permit a person to engage in the business of a new or used mobile home dealer, manufacturer or rebuilder.

3. The department shall investigate any applicant for a dealer's, manufacturer's, distributor's, rebuilder's or lessor's license certificate or license and complete an investigation report on a form provided by the department.

Sec. 8. NRS 482.400 is hereby amended to read as follows:

482.400 1. Except as otherwise provided in [subsection 4,] *subsections 2, 5 and 6,* upon a transfer of the title to, or the interest of an owner in, a vehicle registered or issued a certificate of ownership under the provisions of this chapter, the person or persons whose title or interest is to be transferred and the transferee shall write their signatures with pen and ink upon the certificate of ownership issued for the vehicle, together with the residence address of the transferee, in the appropriate spaces provided upon the reverse side of the certificate.

2. *The department shall provide a form for use by a dealer for the transfer of ownership of a vehicle when the spaces provided upon the reverse side of the certificate of ownership issued for the vehicle have been filled. The form must be produced in a manner which ensures that the form may not be easily counterfeited. Upon the attachment of the form to a certificate of ownership issued for a vehicle, the form becomes a part of that certificate of ownership. The department may charge a fee not to exceed $5 for each form it provides.*

3. Except as otherwise provided in subsections [3 and 4,] *4, 5 and 6,* the transferee shall immediately apply for registration as provided in NRS 482.215, and shall pay the privilege taxes due.

[3.] *4.* If the transferee is a dealer who intends to resell the vehicle, he shall deliver immediately to the department or its agent the certificate of registration and the license plate or plates for the vehicle. When the vehicle is resold, the purchaser shall apply for registration as provided in NRS 482.215, and shall pay the privilege taxes due. The dealer is not required to register, pay a transfer or registration fee for, or pay a privilege tax on any such vehicle.

[4.] *5.* If the transferee consigns the vehicle to a wholesale vehicle auctioneer:

(a) The transferee shall, within 30 days after that consignment, provide the wholesale vehicle auctioneer with the certificate of ownership for the vehicle, executed as required by subsection 1, and any other documents necessary to obtain another certificate of ownership for the vehicle.

(b) The wholesale vehicle auctioneer shall be deemed a transferee of the vehicle for the purposes of subsection [3.] *4.* The wholesale vehicle auctioneer is not required to comply with subsection 1 if he:

(1) Does not take an ownership interest in the vehicle;

(2) Auctions the vehicle to a vehicle dealer or automobile wrecker licensed as such in this or any other state; and

(3) Stamps his name, his identification number as a vehicle dealer and the date of the auction on the certificate of ownership and the bill of sale and any other documents of transfer for the vehicle.

[5.] *6. A charitable organization which intends to sell a vehicle which has been donated to the organization must deliver immediately to the department or its agent the certificate of registration and the license plate or plates for the vehicle. The charitable organization must not be required to register, pay a transfer or registration fee for, or pay a privilege tax on the vehicle. When the vehicle is sold by the charitable organization, the purchaser shall apply for registration as provided in NRS 482.215 and pay the privilege taxes due.*

7. For the purposes of this section, "wholesale vehicle auctioneer" means a dealer who:

(a) Is engaged in the business of auctioning consigned motor vehicles to vehicle dealers or automobile wreckers, or both, who are licensed as such in this or any other state; and

(b) Does not in the ordinary course of his business buy, sell or own vehicles he auctions.

Sec. 9. NRS 485.187 is hereby amended to read as follows:

485.187 1. Except as otherwise provided in subsection 6, the owner of a motor vehicle shall not:

(a) Operate the motor vehicle, if it is registered or required to be registered in this state, without having security for payment of liabilities arising from maintenance or use of the vehicle as required by NRS 485.185.

(b) Operate or knowingly permit the operation of the motor vehicle without having evidence of current insurance of the operator or the vehicle in the vehicle.

(c) Fail or refuse to surrender, upon demand, to a peace officer or to an authorized representative of the department proof of security.

(d) Knowingly permit the operation of the motor vehicle in violation of subsection 3 of NRS 485.186.

2. A person shall not operate the motor vehicle of another unless:

(a) He first ensures that the required evidence of current proof of financial responsibility is present in the motor vehicle; or

(b) He has his own proof of financial responsibility which covers him as the operator of the motor vehicle.

3. Except as otherwise provided in subsection 4, any person who violates subsection 1 or 2 shall be punished by a fine of not less than $600 nor more than $1,000 for each violation. The fine must be reduced to $100 for the first violation if the required proof of financial responsibility is obtained not later than 30 days after the fine is imposed.

4. A court:

(a) Shall not fine a person for a violation of paragraph (a), (b) or (c) of subsection 1 or for a violation of subsection 2 if he presents evidence to the court that the proof of financial responsibility required by NRS 485.185 was in effect at the time demand was made for it.

(b) Except as otherwise provided in paragraph (a), may impose a fine of $1,000 for a violation of paragraph (a), (b) or (c) of subsection 1, and suspend the fine on the condition that the person presents proof to the court each month for 12 months that the security required by NRS 485.185 is currently in effect.

5. Failure to deposit security if so required by the provisions of NRS 485.190 is prima facie evidence of violation of the provisions of this section.

6. The provisions of paragraphs (b) and (c) of subsection 1 do not apply if the motor vehicle in question displays a valid permit issued by the department pursuant to *subsection 1 or 2 of*NRS 482.3212 [,] *or NRS* 482.396, 482.3965, 482.423 or 482.424 authorizing the movement or operation of that vehicle within the state for a limited time.

Sec. 10. Sections 7 and 8 of this act become effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the bill, first line, after "vehicles;" by inserting: "authorizing certain charitable organizations to sell vehicles without obtaining a dealer's license under certain circumstances;".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions relating to transfer of ownership of vehicles. (BDR 43-1326)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 392.

Bill read second time and ordered to third reading.

Senate Bill No. 448.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1155.

Amend the bill as a whole by deleting sec. 5 and inserting:

"Sec. 5. (Deleted by amendment.)".

Amend sec. 7, page 2, line 18, by deleting "*limitation:*" and inserting: "*limitation, such specialized areas of competence as:*".

Amend sec. 7, page 2, line 29, by deleting: "*alcoholism, substance abuse and*".

Amend the bill as a whole by adding new sections designated section 8.3 and 8.5, following sec. 8, to read as follows:

"Sec. 8.3 NRS 641.112 is hereby amended to read as follows:

641.112 *1. A licensed psychologist shall limit his practice of psychology to his areas of competence, as documented by education, training and experience.*

2. The board shall ensure, by adopting regulations and enforcing the provisions of this chapter, that licensees limit their practice of psychology to their areas of competence . [as documented by education, training and experience.]

Sec. 8.5. NRS 641.170 is hereby amended to read as follows:

641.170 [Each applicant shall furnish]

1. Each application must be accompanied by evidence satisfactory to the board that [he:

1.] *the applicant:*

(a) Is at least 21 years of age.

[2.] *(b)* Is of good moral character as determined by the board.

[3.] *(c)* Is a citizen of the United States, or is lawfully entitled to remain and work in the United States.

[4.] *(d)* Has earned a doctorate in psychology from an accredited educational institution approved by the board, or has other doctorate-level training from an accredited educational institution deemed equivalent by the board in both subject matter and extent of training.

[5.] *(e)* Has at least 2 years of experience satisfactory to the board, 1 year of which must be postdoctoral experience in accordance with the requirements established by regulations of the board.

2. Within 120 days after receiving an application and the accompanying evidence from an applicant, the board shall:

(a) Evaluate the application and accompanying evidence and determine whether the applicant is qualified pursuant to this section for licensure as a psychologist; and

(b) Issue a written statement to the applicant of its determination.

3. The written statement issued to the applicant pursuant to subsection 2 must include:

(a) If the board determines that the qualifications of the applicant are insufficient for licensure, a detailed explanation of the reasons for that determination.

(b) If the applicant has not earned a doctorate in psychology from an accredited educational institution approved by the board and the board determines that his doctorate-level training from an accredited educational institution is not equivalent in subject matter and extent of training, a detailed explanation of the reasons for that determination.".

Amend sec. 11, page 4, line 1, after "2." by inserting: "*Upon renewing his license, the holder of the license shall declare his areas of competence, as determined in accordance with NRS 641.112.*

3.".

Assemblyman Tiffany moved the adoption of the amendment.

Remarks by Assemblyman Tiffany.

Amendment adopted.

The following amendment was proposed by Assemblyman Giunchigliani:

Amendment No. 1181.

Amend the bill as a whole by renumbering sec. 23 as sec. 24 and adding a new section designated sec. 23, following sec. 22, to read as follows:

"Sec. 23. The board of psychological examiners shall issue a license to any person who has doctorate-level training in any field of psychology from an accredited educational institution approved by the board if he:

1. Was employed as a psychologist by the division of child and family services of the department of human resources, the state industrial insurance system or the department of prisons before July 1, 1990;

2. Has been employed continuously as a psychologist by the division of child and family services, the state industrial insurance system or the department of prisons during the period from July 1, 1990, to the date of his application for the license;

3. Applies to the board for the license before December 31, 1995;

4. Complies with the requirements of NRS 641.160;

5. Includes with his application for the license evidence satisfactory to the board that he:

(a) Is at least 21 years of age;

(b) Is of good moral character as determined by the board; and

(c) Is a citizen of the United States, or is lawfully entitled to remain and work in the United States; and

6. On or before December 31, 1996, takes the examination required by NRS 641.180 and achieves a passing score on that examination.".

Amend sec. 23, page 7, by deleting line 1 and inserting:

"Sec. 24. 1. This section and section 23 of this act become effective upon passage and approval.

2. Sections 1 to 22, inclusive, of this act become effective upon passage and approval for the".

Amend the title of the bill, fifth line, after "psychologist;" by inserting: "requiring the board to issue licenses to certain persons employed by the State of Nevada as psychologists under certain circumstances;".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Humke, Tiffany, Price and Segerblom.

Amendment lost.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 463.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1327.

Amend section 1, page 1, by deleting lines 7 through 20 and inserting:

"2. *A court shall not, at the request of any prisoner in a county, city or town jail, issue an order which affects the conditions of confinement of the prisoner unless, except as otherwise provided in this subsection, the court provides the sheriff, chief of police or town marshal having control over the prisoner with:*

(a) Sufficient prior notice of the court's intention to enter the order. Notice by the court is not necessary if the prisoner has filed an action with the court challenging his conditions of confinement and has served a copy of the action on the sheriff, chief of police or town marshal.

(b) An opportunity to be heard on the issue.

As used in this subsection, "conditions of confinement" includes, but is not limited to, a prisoner's access to the law library, privileges regarding visitation and the use of the telephone, the type of meals provided to the prisoner and the provision of medical care in situations which are not emergencies.".

Amend section 1, page 2, line 7, after "Treatment" by inserting: "provided to a prisoner while in custody".

Amend section 1, page 2, line 10, after "Treatment" by inserting: "provided to a prisoner while in custody".

Amend section 1, page 2, line 12, after "court order" by inserting: "conducted while the prisoner is in custody".

Amend the bill as a whole by adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. Section 1 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the bill to read as follows: "An Act relating to local facilities for detention; requiring notice to an operator of a jail and the opportunity to be heard before the issuance of a court order affecting the conditions of confinement of a prisoner; requiring a prisoner to cooperate with officers attempting to collect costs incurred for the prisoner's medical care; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Requires notice to operator of jail and opportunity to be heard before issuance of court order affecting conditions of confinement of prisoner. (BDR 16-698)".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 485.

Bill read second time and ordered to third reading.

Senate Bill No. 516.

Bill read second time and ordered to third reading.

Senate Bill No. 517.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1098.

Amend section 1, page 1, line 2, after "sections" by inserting "1.5,".

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. *"Amount financed" means the cash sale price of the goods or services which are the subject matter of a retail installment contract less the amount of the buyer's down payment in money or goods or both, plus the amounts, if any, included therein, if a separate identified charge is made therefor and stated in the contract, for insurance and official fees.*".

Amend sec. 4, page 2, line 1, by deleting "*section*" and inserting: "*sections 1.5 and*".

Amend sec. 8, page 2, line 27, by inserting an open bracket before "time".

Amend sec. 8, page 2, line 28, by deleting "balance" and inserting: "balance] *total of payments*".

Amend sec. 10, page 2, by deleting line 42 and inserting:

"97.145 ["Time balance" means the initial balance plus interest.] *"Total of payments" means the amount financed plus the*".

Amend the bill as a whole by adding a new section designated sec. 10.5, following sec. 10, to read as follows:

"Sec. 10.5. NRS 97.165 is hereby amended to read as follows:

97.165 1. Every retail installment contract must be contained in a single document which must contain the entire agreement of the parties, including any promissory notes or other evidences of indebtedness between the parties relating to the transaction, except as *otherwise* provided in NRS 97.205 and 97.235, but:

(a) [Where] *If* the buyer's obligation to pay the [time balance] *total of payments* is represented by a promissory note secured by a chattel mortgage or other security agreement, the promissory note may be a separate instrument if the mortgage or security agreement recites the amount and terms of payment of [such] *that* note and the promissory note recites that it is secured by a mortgage or security agreement.

(b) In a transaction involving the repair, alteration or improvement upon or in connection with real property, the contract may be secured by a mortgage or deed of trust on the real property contained in a separate document. [Home improvement retail] *Retail* sales transactions *for home improvements* which are financed or insured by the Federal Housing Administration are not subject to the provisions of this chapter.

2. The contract must be dated, signed by the retail buyer and completed as to all essential provisions, except as otherwise provided in NRS 97.205, 97.215 and 97.235. The printed or typed portion of the contract, other than instructions for completion, must be in a size equal to at least 8-point type.

3. Any fee charged to the retail buyer for his cancellation of a retail installment contract within 72 hours after its execution is prohibited unless notice of the fee is clearly set forth in the printed or typed portion of the contract.".

Amend sec. 11, page 3, line 10, by deleting "initial balance," and inserting: "[initial balance,] *amount financed,*".

Amend sec. 11, page 3, line 12, by deleting "time balance" and inserting: "[time balance] *total of payments*".

Amend sec. 11, page 3, line 14, by deleting "time balance," and inserting: "[time balance,] *total of payments,*".

Amend sec. 13, page 3, line 35, by deleting "time balance" and inserting: "[time balance] *total of payments*".

Amend sec. 13, page 3, line 40, by deleting "time balance." and inserting: "[time balance.] *total of payments.*".

Amend sec. 14, page 4, line 17, by deleting "time balance;" and inserting: "[time balance;] *total of payments;*".

Amend sec. 14, page 4, line 18, by deleting "time balance," and inserting: "[time balance,] *total of payments,*".

Amend sec. 15, page 5, line 15, after "period;" by inserting "*and*".

Amend sec. 15, page 5, line 17, by inserting an open bracket before "period;".

Amend sec. 15, page 5, line 19, by deleting "balance." and inserting "balance.] *period.*".

Amend sec. 16, page 6, line 12, by deleting "time balance." and inserting: "[time balance.] *total of payments.*".

Amend sec. 18, page 6, line 45, by deleting "time balance" and inserting: "[time balance] *total of payments*".

Amend sec. 20, page 7, line 30, after "97.027," by inserting "97.045,".

Amend the leadlines of repealed sections by adding the leadline of NRS 97.045.

Amend the title of the bill, third line, after "transactions;" by inserting: "changing certain terms used to describe the amount financed on credit in retail transactions;".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 557.

Bill read second time and ordered to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 389, 506, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Assembly Bill No. 725; Senate Bill No. 96, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 288.

Bill read third time.

Remarks by Assemblymen Humke, Anderson, Evans, Giunchigliani, Price and Williams.

Assemblymen Nolan, Marvel and Bennett moved the previous question.

Motion carried.

The question being on the passage of Assembly Bill No. 288.

Roll call on Assembly Bill No. 288:

YEAS—39.

NAYS—Arberry, Price, Williams—3.

Assembly Bill No. 288 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Assemblyman Ernaut moved that all rules be suspended and that Assembly Bill No. 288 be immediately transmitted to the Senate.

Motion carried unanimously.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sandoval moved that all rules be suspended and that Senate Concurrent Resolutions Nos. 61, 62 be immediately transmitted to the Senate.

Motion carried unanimously.

Mr. Speaker announced that if there were no objections, the Assembly would recess until 2:15 p.m.

Assembly in recess at 1:39 p.m.

ASSEMBLY IN SESSION

At 2:45 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which were referred Senate Bill No. 49; Senate Joint Resolution No. 26, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Concurrent Resolution No. 60, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 676, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 572, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JEANNINE STROTH, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 28, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 279 and requests a conference, and appointed Senators McGinness, Raggio and Titus as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 367 and requests a conference, and appointed Senators McGinness, Porter and Rawson as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Concurrent Resolution No. 31 and requests a conference, and appointed Senators Washington, Neal and Jacobsen as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 50.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 157.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sandoval moved that Assembly Bill No. 725; Senate Bills Nos. 49, 96, 389, 506; Senate Joint Resolution No. 26 be placed on the Second Reading File.

Motion carried.

Assemblyman Stroth moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 572 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Stroth.

Motion carried unanimously.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Nolan moved that the Assembly do not recede from its action on Senate Bill No. 458, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Nolan.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Nolan, Goldwater and Sandoval as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 458.

Mr. Speaker appointed Assemblymen de Braga, Tripple and Goldwater as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Concurrent Resolution No. 31.

Assemblyman Nolan moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 2:52 p.m.

ASSEMBLY IN SESSION

At 3:02 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 28, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 324 which was returned from enrollment for the purpose of effecting a technical amendment.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 573.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 106, 312, 490, 555, 570.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 36, 161, 362, 446, 456, 477, 543, 561.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 87 and requests a second conference, and appointed Senators Coffin, O'Donnell and Rawson as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 87.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Close, Lambert and Dini as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 279.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Concurrent Resolution No. 7.

The following Senate amendment was read:

Amendment No. 1239.

Amend the resolution, page 1, line 9, by deleting: "*3 calendar days*" and inserting "*24 hours*".

Assemblyman Close moved that the Assembly concur in the Senate amendment to Assembly Concurrent Resolution No. 7.

Remarks by Assemblyman Close.

Motion carried.

Resolution ordered enrolled.

Assembly Concurrent Resolution No. 14.

The following Senate amendment was read:

Amendment No. 1211.

Amend the resolution, page 1, by deleting lines 13 through 22 and inserting: "CURRING, That working parents recognize that they have a responsibility to participate fully in the lives of their children; and be it further

RESOLVED, That working parents are strongly encouraged to spend as much time as possible with their children at home, at play and at school; and be it further

RESOLVED, That working parents are strongly encouraged to involve themselves in the education of their children and to participate in as many school activities as possible; and be it further".

Amend the resolution, page 1, line 25, by deleting: "local Chambers of Commerce,".

Amend the preamble of the resolution, page 1, line 1, after "involvement" by inserting: "in the lives of their children at home, at play and".

Amend the preamble of the resolution, page 1, line 2, after "importance" by inserting: "in child development and".

Amend the preamble of the resolution, page 1, by deleting lines 4 and 5.

Amend the title of the resolution to read as follows:

"Assembly Concurrent Resolution—Encouraging working parents to participate fully in the lives of their children including spending time with their children, becoming involved with the education of their children and participating in school-related activities.".

Amend the summary of the resolution to read as follows:

"Summary—Encourages working parents to participate fully in lives of their children. (BDR R-547)".

Assemblyman Harrington moved that the Assembly do not concur in the Senate amendment to Assembly Concurrent Resolution No. 14.

Remarks by Assemblyman Harrington.

Motion carried.

Resolution ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 42.

The following Senate amendment was read:

Amendment No. 1212.

Amend the resolution, page 1, line 15, by deleting the semicolon and inserting: "and in the identification and instruction of persons with disabilities in a regular classroom and the laws relating to such persons;".

Amend the resolution, page 1, line 20, after "abuse" by inserting: "and in the identification and instruction of persons with disabilities in a regular classroom and the laws relating to such persons".

Amend the preamble to the resolution, page 1, by deleting lines 1 through 7 and inserting:

"WHEREAS, Educational training for the licensed personnel of school districts in areas such as the techniques and procedures for recognizing and reporting child abuse and in the identification and instruction of persons with disabilities in a regular classroom and the laws relating to such persons is of critical importance in our world today; and

WHEREAS, Incidents of child abuse are becoming more frequent in Nevada and child abuse may include mental abuse as well as physical abuse; and

WHEREAS, Often, the symptoms of child abuse may not be easily recognized but yet licensed personnel of school districts are required by law to report suspected child abuse; and

WHEREAS, It is important that children with disabilities receive appropriate and effective instruction; and

WHEREAS, It is preferable that such instruction be provided in regular classrooms with other children when practicable; and".

Amend the preamble of the resolution, page 1, line 10, after "abuse" by inserting: "and in the identification and instruction of persons with disabilities in a regular classroom and the laws relating to such persons".

Amend the title of the resolution, third line, by deleting the period and inserting: "and identification and instruction of persons with disabilities in a regular classroom.".

Amend the summary of the resolution, second line, by deleting the period and inserting: "and identification and instruction of persons with disabilities in regular classroom.".

Assemblyman Williams moved that the Assembly do not concur in the Senate amendment to Assembly Concurrent Resolution No. 42.

Remarks by Assemblyman Williams.

Motion carried.

Resolution ordered transmited to the Senate.

Assembly Bill No. 130.

The following Senate amendment was read:

Amendment No. 1151.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 459.0085 is hereby amended to read as follows:

459.0085 1. There is hereby created a committee on high-level radioactive waste. It is a committee of the legislature composed of:

(a) [Three] *Four* members of the senate, appointed by the majority leader of the senate.

(b) Four members of the assembly, appointed by the speaker.

2. The legislative commission shall select a chairman and a vice chairman from the members of the committee.

3. The committee shall meet at the call of the chairman to study and evaluate:

(a) Information and policies regarding the location in this state of a facility for the disposal of high-level radioactive waste;

(b) Any potentially adverse effects from the construction and operation of a facility and the ways of mitigating those effects; and

(c) Any other policies relating to the disposal of high-level radioactive waste.

4. The committee shall report the results of its studies and evaluations to the legislative commission and the interim finance committee at such times as the legislative commission or the interim finance committee may require.

5. The committee may recommend any appropriate legislation to the legislature and the legislative commission.

6. The director of the legislative counsel bureau shall provide a secretary for the committee on high-level radioactive waste. Except during a regular or special session of the legislature, each member of the committee is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a committee meeting or is otherwise engaged in the work of the committee plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. Per diem allowances, salary and travel expenses of members of the committee must be paid from the legislative fund.''.

Amend the bill as a whole by renumbering sec. 2 as sec. 4 and adding a new section designated sec. 3, following section 1, to read as follows:

''Sec. 3. NRS 459.0094 is hereby amended to read as follows:

459.0094 The executive director shall:

1. Appoint, with the consent of the commission, an administrator of each division of the agency.

2. Advise the commission on matters relating to the potential disposal of radioactive waste in this state.

3. Evaluate the potentially adverse effects of a facility for the disposal of radioactive waste in this state.

4. Consult frequently with local governments and state agencies that may be affected by a facility for the disposal of radioactive waste and appropriate legislative committees.

5. Assist local governments in their dealings with the Department of Energy and its contractors on matters relating to radioactive waste.

6. Carry out the duties imposed on the state by 42 U.S.C. §§ 10101 to 10226, inclusive, as those sections existed on [January 1, 1985.] *July 1, 1995.*

7. Cooperate with any governmental agency or other person to carry out the provisions of NRS 459.009 to 459.0098, inclusive.

8. Provide semiannual written reports to the committee on high-level radioactive waste. The reports must contain:

(a) A summary of the status of the activities undertaken by the agency since the previous report;

(b) A description of all contracts the agency has with natural persons or organizations, including, but not limited to, the name of the recipient of each contract, the amount of the contract, the duties to be performed under the contract, the manner in which the contract assists the agency in achieving its goals and responsibilities and the status of the performance of the terms of the contact;

(c) The status of any litigation relating to the goals and responsibilities of the agency to which the State of Nevada is a party; and

(d) Any other information requested by the legislative committee.".

Amend sec. 2, page 2, by deleting line 2 and inserting: "sion, [the agency for nuclear projects,] the Nevada natural heritage program and the board to review claims are".

Amend the bill as a whole by deleting sec. 3 and adding new sections designated sections 5 and 6, following sec. 2, to read as follows:

"Sec. 5. 1. The agency for nuclear projects is hereby authorized to expend, in accordance with the legislatively approved budget for the agency, the following sums not appropriated from the state general fund:

(a) During the fiscal year beginning July 1, 1995, and ending June 30, 1996, $7,193,596; and

(b) During the fiscal year beginning July 1, 1996, and ending June 30, 1997, $7,949,037.

2. The sums authorized to be expended by the provisions of subsection 1 must be expended in accordance with the allotment transfer, work program and budget provisions of NRS 353.150 to 353.245, inclusive, and transfers to and from salary allotments, travel allotments, operating expense allotments, equipment allotments and other allotments must be allowed and made in accordance with the provisions of NRS 353.215 to 353.225, inclusive, and after separate consideration of the merits of each request.

3. Except as otherwise provided in subsection 4, and in accordance with the provisions of NRS 353.220, the chief of the budget division of the department of administration may, with the approval of the governor, authorize the augmentation of the sums authorized in subsection 1 for expenditure by the agency for nuclear projects from any other state agency, from any agency of local government or of the Federal Government, or from any other source which he determines is in excess of the sums authorized in subsection 1. The chief shall reduce the sums authorized in subsection 1 if he determines that such money to be received by the agency will be less than the amount so authorized.

4. If the agency for nuclear projects receives money for its operations from sources other than the state general fund which exceeds the sums authorized in subsection 1, any appropriation to the agency from the state general fund must be decreased to the extent of the excess, except that no such decrease may be made which would jeopardize the receipt of such money as is to be received from other sources.

Sec. 6. 1. This section and sections 1, 2, 3 and 5 of this act become effective on July 1, 1995.

2. Section 4 of this act becomes effective at 12:01 a.m. on July 1, 1995.".

Amend the title of the bill to read as follows: "An Act relating to hazardous materials; increasing the number of members of the committee on high-level radioactive waste; transferring the agency for nuclear projects from the state department of conservation and natural resources to the office of the governor; requiring the executive director of the agency to provide semiannual reports to the committee; authorizing the expenditure by the agency of certain money not appropriated from the state general fund; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes concerning committee on high-level radioactive waste and agency for nuclear projects. (BDR 40-1566)".

Assemblyman Marvel moved that the Assembly concur in the Senate amendment to Assembly Bill No. 130.

Remarks by Assemblyman Marvel.

Motion carried.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 594, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 15, which is attached to and hereby made a part of this report.

PETE ERNAUT	SUE LOWDEN
BARBARA E. BUCKLEY	RANDOLPH J. TOWNSEND
RICHARD PERKINS	JOHN B. REGAN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 15.

Amend sec. 14, page 4, line 39, after "any" by inserting: "*malt beverage or*".

Amend sec. 16, page 5, line 25, by deleting "*or*".

Amend sec. 16, page 5, line 26, after "*(c)*" by inserting: "*In any retail liquor store as that term is defined in NRS 369.090; or*

(d)".

Amend sec. 16, page 5, line 41, by deleting "*or*".

Amend sec. 16, page 5, line 42, after "*(c)*" by inserting: "*In any retail liquor store as that term is defined in NRS 369.090; or*

(d)".

Amend sec. 17, page 6, line 28, by deleting "or".

Amend sec. 17, page 6, line 29, after "(c)" by inserting: "In any retail liquor store as that term is defined in NRS 369.090; or

(d)".

Amend sec. 17, page 6, line 41, by deleting "or".

Amend sec. 17, page 6, line 42, after "(c)" by inserting: "In any retail liquor store as that term is defined in NRS 369.090; or

(d)".

Amend sec. 19, page 8, by deleting lines 1 through 5 and inserting:

"Sec. 19. 1. This section, sections 1 to 16, inclusive, and sec. 18 of this act become effective on passage and approval.

2. Section 17 of this act becomes effective on January 1, 1997.".

Assemblyman Ernaut moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 594.

Remarks by Assemblyman Ernaut.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 61, consisting of the undersigned members, has met, and reports that:

It has recommended that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 14, which is attached to and hereby made a part of this report.

DENNIS NOLAN	JOHN B. REGAN
MARK A. MANENDO	ANN O'CONNELL
LYNN HETTRICK	RANDOLPH J. TOWNSEND
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 14.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 616 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *"Benefit penalty" means an additional amount of money that is payable to a claimant if the administrator has determined that a violation of subsection 1 of NRS 616.647 has occurred.*".

Amend section 1, page 1, by deleting lines 1 through 3 and inserting:

"Sec. 3. *1. Upon receipt of a complaint for a violation of subsection 1 of NRS*".

Amend the bill as a whole by renumbering sections 2 through 12 as sections 5 through 15 and adding a new section designated sec. 4, following section 1, to read as follows:

"Sec. 4. NRS 616.015 is hereby amended to read as follows:

616.015 As used in this chapter, unless the context otherwise requires, the words and terms defined in NRS 616.020 to 616.123, inclusive, *and section 2 of this act,* have the meanings ascribed to them in those sections.".

Amend sec. 3, page 3, line 39, by deleting "2" and inserting "*3*".

Amend sec. 10, page 7, line 17, by deleting "*30*" and inserting "*10*".

Amend sec. 10, page 7, by deleting lines 38 through 40 and inserting: "the administrator shall impose an administrative fine of [not more than $250] *$1,000* for each initial violation , [which was not intentional,] or a fine of [not more than $1,000 for each intentional or repeated] *$10,000 for a second or*".

Amend sec. 10, page 8, line 7, after "*corrected.*" by inserting: "*Nothing in this section authorizes the administrator to modify or negate in any*

manner a determination or any portion of a determination made by a hearing officer, appeals officer or court of competent jurisdiction or a provision contained in a written settlement agreement or written stipulation.".

Amend sec. 10, page 8, by deleting lines 22 and 23 and inserting: "*benefit penalty in an amount equal to 50 percent of the compensation due or $10,000, whichever is less. In no event may a benefit penalty be less than $500. The benefit penalty is for the benefit of the claimant*".

Amend sec. 10, page 8, line 40, by deleting: "*more, or two benefit penalties,*" and inserting "*more*".

Amend sec. 12, page 9, by deleting line 33 and inserting:

"Sec. 15. 1. This section and sections 1 to 5, inclusive, 7 to 10, inclusive, and 14 of this".

Amend sec. 12, page 9, line 35, by deleting: "3, 8, 9 and 10" and inserting: "6, 11, 12 and 13".

Assemblyman Nolan moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 61.

Remarks by Assemblyman Nolan.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 87, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for the further consideration of the measure

VONNE CHOWNING	KATHY AUGUSTINE
THOMAS BATTEN	BERNICE MATHEWS
GENE WINES SEGERBLOM	MAURICE E. WASHINGTON
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Chowning moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 87.

Remarks by Assemblyman Chowning.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Harrington, Bennett and Neighbors as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 87.

Mr. Speaker appointed Assemblymen Lambert, Buckley and Monaghan as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 367.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 303, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

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

WILLIAM Z. HARRINGTON	JON C. PORTER
GENE WINES SEGERBLOM	WILLIAM R. O'DONNELL
DOUGLAS A. BACHE	RAYMOND C. SHAFFER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 8.

Amend section 1, page 1, line 2, by deleting: "2 and 3" and inserting: "2, 3 and 4".

Amend the bill as a whole by renumbering sections 4 through 8 as sections 5 through 9 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. *A nonprofit corporation that provides ambulance services pursuant to a franchise agreement with a local government may obtain supplies, materials and equipment on a voluntary basis through the facilities of the local government.*".

Amend sec. 5, page 2, line 36, by deleting "6 and 7" and inserting "7 and 8".

Amend sec. 8, page 3, by deleting lines 45 through 48 and inserting: "from private or other sources, excepting the Nevada rural housing authority, local governments as defined in NRS 354.474, conservation districts, irrigation districts and the University and Community College System of Nevada.".

Amend the bill as a whole by adding a new section designated sec. 10, following sec. 8, to read as follows:

"Sec. 10. Section 9 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the bill, second line, after "disclosed;" by inserting: "authorizing certain nonprofit corporations to obtain supplies, materials and equipment from certain local governments;".

Assemblyman Harrington moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 303.

Remarks by Assemblyman Harrington.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 539, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

JOAN A. LAMBERT	DEAN A. RHOADS
MARCIA DE BRAGA	WILLIAM R. O'DONNELL
WILLIAM Z. HARRINGTON	BERNICE MATHEWS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Lambert moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 539.

Remarks by Assemblyman Lambert.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 385.

The following Senate amendment was read:

Amendment No. 1196.

Amend sec. 5, page 3, line 21, by deleting "*shall*" and inserting "*may*".

Amend sec. 6, page 3, line 27, by deleting "*shall*" and inserting "*may*".

Amend sec. 6, page 3, line 28, by deleting "*must*" and inserting "*may*".

Amend sec. 6, page 3, line 36, by deleting "*must*" and inserting "*may*".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Bill No. 385.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

Assembly Joint Resolution No. 33.

The following Senate amendment was read:

Amendment No. 1198.

Amend the resolution, page 2, line 14, after "confidentiality" by inserting: "*or nonconfidentiality, as appropriate,*".

Amend the resolution, page 2, line 19, by deleting "*conduct. The*" and inserting: "*conduct.*

7. The".

Amend the resolution, page 2, line 22, by deleting "*7.*" and inserting "*8.*".

Amend the resolution, page 2, line 30, by deleting "*8.*" and inserting "*9.*".

Amend the resolution, page 2, line 41, by deleting "*9.*" and inserting "*10.*".

Amend the resolution, page 3, line 6, by deleting "*10.*" and inserting "*11.*".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 33.

Remarks by Assemblyman Humke.

Motion carried.

Resolution ordered enrolled.

Assembly Joint Resolution No. 38.

The following Senate amendment was read:

Amendment No. 1164.

Amend the resolution, page 1, by deleting lines 20 and 21 and inserting:

"2. The parent or parents who have been awarded custody of the child; or".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Joint Resolution No. 38.

Remarks by Assemblyman Humke.

Motion carried.

Resolution ordered enrolled.

Assembly Bill No. 624.

The following Senate amendment was read:

Amendment No. 1233.

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

"*(b) Any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death; or*".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Bill No. 624.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

SECOND READING AND AMENDMENT

Assembly Bill No. 725.

Bill read second time.

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

Amendment No. 1222.

Amend the bill as a whole by deleting sections 1 through 13 and adding new sections designated sections 1 through 39, following the enacting clause, to read as follows:

Except as otherwise provided in NRS 281.127, a person in the unclassified service of the state who has been appointed or employed for service in a department, division, agency or institution, other than a director of a department, may pursue any other business or occupation or hold any other office for profit if:

1. The other employment does not conflict with the duties he is required to perform in his unclassified service;

2. The other employment does not conflict with the hours during which he is required to perform those duties; and

3. He has obtained the approval of his supervisor.

Sec. 2. NRS 213.1094 is hereby amended to read as follows:

213.1094 1. The compensation, salaries and expenses of the executive secretary and employees of the board must be paid, upon certification by the secretary of the board, in the same manner as those of other state officers and employees.

2. [The chief parole and probation officer] *Except as otherwise provided in section 1 of this act, the chief* shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 3. NRS 232.055 is hereby amended to read as follows:

232.055 1. The director shall appoint two assistant directors of the department and shall assign their duties.

2. Each assistant director is in the unclassified service of the state.

3. [Each] *Except as otherwise provided in section 1 of this act, each* assistant director shall devote his entire time and attention to the business of his office and shall not engage in any other gainful employment or occupation.

Sec. 4. NRS 232.139 is hereby amended to read as follows:

232.139 The chiefs of the divisions of the department may each appoint a deputy and a chief assistant in the unclassified service of the state. [Each] *Except as otherwise provided in section 1 of this act, each* deputy and chief assistant shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 5. NRS 232.217 is hereby amended to read as follows:

232.217 Unless federal law or regulation otherwise requires, the chief of the:

1. Budget division;
2. Buildings and grounds division;
3. Purchasing division;
4. State printing and micrographics division; and
5. Motor pool division if separately established,

may appoint a deputy and a chief assistant in the unclassified service of the state, who shall not engage in any other gainful employment or occupation [.] *except as otherwise provided in section 1 of this act.*

Sec. 6. NRS 232.340 is hereby amended to read as follows:

232.340 The chief of each division of the department:

1. Is in the unclassified service of the state unless federal law or regulation requires otherwise.
2. Shall administer the provisions of law relating to his division, subject to the administrative supervision of the director.
3. [Shall] *Except as otherwise provided in section 1 of this act, shall* devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 7. NRS 232.460 is hereby amended to read as follows:

232.460 The chief of each bureau of the division shall:

1. Administer the provisions of law relating to his bureau, subject to the administrative supervision of the administrator.
2. [Devote] *Except as otherwise provided in section 1 of this act, devote* his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 8. NRS 232.530 is hereby amended to read as follows:

232.530 The chief of each of the divisions of the department:

1. Is in the unclassified service of the state.
2. Shall administer the provisions of law relating to his division, subject to the administrative supervision of the director.
3. [Shall] *Except as otherwise provided in section 1 of this act, shall* devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit, except for temporary and part-time teaching duties on a university campus.

Sec. 9. NRS 232.535 is hereby amended to read as follows:

232.535 1. The chiefs of the divisions of the department may appoint assistants within the limits of the money available for each position and subject to the approval of the director.

2. These assistants are in the unclassified service of the state. [Each] *Except as otherwise provided in section 1 of this act, each* assistant shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 10. NRS 232.610 is hereby amended to read as follows:

232.610 The administrator:

1. Is appointed by, is responsible to and serves at the pleasure of the director.

2. Is in the unclassified service of the state.

3. [Shall] *Except as otherwise provided in section 1 of this act, shall* not engage in any other gainful employment or occupation.

4. Must have responsible administrative experience in public or business administration or possess broad management skills in areas related to the functions of the division.

5. Must have the demonstrated ability to administer a major public agency in the field of industrial relations. His knowledge and abilities must include:

(a) A comprehensive knowledge of administrative principles and a working knowledge of broad principles relating to the subject matters under his administrative direction;

(b) An administrative ability to assess the adequacy of agency operations and the protection of the public interest as related to the subject fields; and

(c) An ability to organize and present oral and written communication to the governor, the legislature, and other pertinent officials or other persons.

6. Must possess a background which indicates that he can impartially serve the interests of both employees and employers.

7. Must not, at the time of his appointment or at any time during his term of office:

(a) Be an officer, director or employee, or have any personal or private interest in any operating mine, mill, smelter or ore reduction plant or the products thereof;

(b) Hold, directly or indirectly, any financial interest in any company, partnership, organization or corporation or subsidiary of a corporation, which owns, operates or has a financial interest in any mines which are subject to the provisions of chapter 512 of NRS; or

(c) Be an officer or employee of any labor organization.

Sec. 11. NRS 232.630 is hereby amended to read as follows:

232.630 1. The administrator may appoint such assistant administrators of the division as necessary for the administration of the division and assign the duties of the assistant administrators.

2. An assistant administrator is in the unclassified service of the state.

3. [An] *Except as otherwise provided in section 1 of this act, an* assistant administrator shall devote his entire time and attention to the business of his office and shall not engage in any other gainful employment or occupation.

Sec. 12. NRS 232.825 is hereby amended to read as follows:

232.825 The commissioner:

1. May appoint two deputies. The deputies are in the unclassified service of the state. [Each] *Except as otherwise provided in section 1 of this act, each* deputy shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

2. Is responsible for the administration of the provisions of Title 57 of NRS, and all other provisions of law relating to the functions of the division.

3. May employ such staff as is necessary for the performance of his duties.

4. Has such other powers and duties as are provided by law.

Sec. 13. NRS 341.100 is hereby amended to read as follows:

341.100 1. The board may appoint a manager. The manager, with the approval of the board, may appoint a deputy for professional services and a deputy for administrative, fiscal and constructional services. In addition, the manager may appoint such other technical and clerical assistants as may be necessary to carry into effect the provisions of this chapter.

2. The manager and his deputies are in the unclassified service of the state. [Each] *Except as otherwise provided in section 1 of this act, the manager and each deputy* shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

3. The manager and his deputy for professional services must each be a registered professional engineer pursuant to the provisions of chapter 625 of NRS or an architect licensed under the provisions of chapter 623 of NRS. The deputy manager for administrative, fiscal and constructional services must have a comprehensive knowledge of principles of administration and a working knowledge of principles of engineering or architecture as determined by the board.

4. The manager shall:

(a) Serve as the secretary of the board.

(b) Manage the daily affairs of the board.

(c) Represent the board before the legislature.

(d) Prepare and submit to the board, for its approval, the recommended priority for proposed capital improvement projects and provide the board with an estimate of the cost of each [such] project.

(e) Make recommendations to the board for the selection of architects, engineers and contractors.

(f) Make recommendations to the board regarding the acceptance of completed projects.

(g) Advise the board and the legislature, or the interim finance committee if the legislature is not in session, on a monthly basis of the progress of all public works projects which are a part of the approved capital improvement program.

Sec. 14. NRS 381.120 is hereby amended to read as follows:

381.120 1. The governor shall appoint a director from a list of three names submitted by the board and the administrator. The director must have:

(a) An advanced degree in science or history; and

(b) At least 3 years' experience in managing a museum.

2. The director may employ and fix the duties, powers and conditions of employment of necessary curators, assistants, janitors, laborers, guards and employees of the Nevada state museum.

3. Except for the director and two assistants, all employees of the Nevada state museum whose salaries are paid from the general fund appropriation are in the classified service of the state. The director is in the unclassified service. The director may, within the limits of legislative appropriation, fix the annual salaries of the two assistants.

4. When any employee is required to perform any travel in conjunction with his duties and at the specific instruction of his supervisor, he is entitled to receive his expenses.

5. [The] *Except as otherwise provided in section 1 of this act, the* director shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 15. NRS 381.405 is hereby amended to read as follows:

381.405 1. The administrator shall appoint a director of the Nevada museum and historical society. The director must have:

(a) An advanced degree in science or history; and

(b) At least 3 years' experience in managing a museum.

2. The director may employ and fix the duties, powers and conditions of employment of necessary curators, assistants, janitors, laborers, guards and employees of the Nevada museum and historical society.

3. The director is in the unclassified service.

4. When any employee is required to perform any travel in conjunction with his duties and at the specific instruction of his supervisor, he is entitled to receive his expenses.

5. [The] *Except as otherwise provided in section 1 of this act, the* director shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 16. NRS 407.045 is hereby amended to read as follows:

407.045 1. The salary of the administrator may be apportioned and paid from any money available to the division, unless otherwise provided by law.

2. [The] *Except as otherwise provided in section 1 of this act, the* administrator shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 17. NRS 407.055 is hereby amended to read as follows:

407.055 1. The administrator may designate an employee or employees of the division to act as his deputy or deputies. In case of the absence of the administrator, or his inability from any cause to discharge the powers and duties of his office, such powers and duties [shall] devolve upon his deputy or deputies.

2. Deputies shall receive annual salaries in the amounts determined pursuant to statute.

3. [Each] *Except as otherwise provided in section 1 of this act, each* deputy shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 18. NRS 417.060 is hereby amended to read as follows:

417.060 The commissioner and deputy commissioner are in the unclassified service of the state. [Each] *Except as otherwise provided in section 1 of this act, each* shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 19. NRS 433A.040 is hereby amended to read as follows:

433A.040 [An] *Except as otherwise provided in section 1 of this act, an* administrative officer shall devote his entire time to the duties of his position and shall have no other gainful employment or occupation, but he may attend seminars, act as a consultant and give lectures relating to his profession and accept appropriate stipends for the seminars, consultations and lectures.

Sec. 20. NRS 439.110 is hereby amended to read as follows:

439.110 1. Except as otherwise provided in *section 1 of this act and* subsection 2 [,] *of this section,* the state health officer shall devote his full time to his official duties and shall not engage in any other business or occupation.

2. Notwithstanding the provisions of NRS 281.127, the state health officer may cooperate with the University and Community College System of Nevada in the preparation and teaching of preservice professional workers in public health, and in a program providing additional professional preparation for public health workers employed by the State of Nevada.

Sec. 21. NRS 459.0096 is hereby amended to read as follows:

459.0096 1. The administrator of each division shall administer the provisions of law relating to his division under the supervision of the executive director.

2. The executive director and the administrator of each division:

(a) Are in the unclassified service of the state.

(b) [Shall] *Except as otherwise provided in section 1 of this act, shall* devote their full time to the business of the agency and not engage in any other gainful employment or occupation.

Sec. 22. NRS 472.025 is hereby amended to read as follows:

472.025 1. The state forester firewarden is in the unclassified service of the state.

2. [He] *Except as otherwise provided in section 1 of this act, he* shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 23. NRS 481.035 is hereby amended to read as follows:

481.035 1. The director:

(a) Is appointed by the governor. He must be selected with special reference to his training, experience, capacity and interest in the field of administering laws relating to motor vehicles and public safety.

(b) Is entitled to hold office for a term of 4 years from and after his appointment or until his successor is appointed.

(c) Is in the unclassified service of the state.

(d) Shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

2. The director may employ two deputy directors, one responsible for the administration of the laws relating to motor vehicles and one responsible for the administration of the laws relating to public safety. Each deputy:

(a) Must be selected with special reference to his training, experience, capacity and interest in the field of his responsibility.

(b) Is in the unclassified service of the state.

(c) [Shall] *Except as otherwise provided in section 1 of this act, shall* devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 24. NRS 501.337 is hereby amended to read as follows:

501.337 The administrator shall:

1. Carry out the policies and regulations of the commission.

2. Direct and supervise all administrative and operational activities of the division, and all programs administered by the division as provided by law. [He] *Except as otherwise provided in section 1 of this act, the administrator* shall devote his entire time to the duties of his office and shall not follow any other gainful employment or occupation.

3. Within such limitations as may be provided by law, organize the division and, from time to time, alter the organization and reassign responsibilities and duties as he may deem appropriate.

4. Appoint or remove such technical, clerical and operational staff as the execution of his duties and the operation of the division may require, and all those employees are responsible to him for the proper carrying out of the duties and responsibilities of their respective positions. The administrator shall designate a number of employees as game wardens and provide for their training.

5. Submit technical and other reports to the commission as may be necessary or as may be requested, which will enable the commission to establish policy and regulations.

6. Prepare the biennial budget of the division consistent with the provisions of this Title and chapter 488 of NRS.

7. Administer real property assigned to the division.

8. Maintain full control, by proper methods and inventories, of all personal property of the state acquired and held for the purposes contemplated by this Title and by chapter 488 of NRS.

9. Act as nonvoting secretary to the commission.

Sec. 25. NRS 513.083 is hereby amended to read as follows:

513.083 1. The chief administrative officer of the division is the administrator, who must be appointed by the director of the department of business and industry from a list of three nominees selected by the commission.

2. The administrator of the division:

(a) Must be a graduate of an accredited college or university and have substantial experience as an administrator or at least 5 years' experience in the exploration for or the production or conservation of minerals.

(b) Is in the unclassified service of the state.

(c) [Shall] *Except as otherwise provided in section 1 of this act, shall* devote his entire time and attention to his duties as a public officer and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 26. NRS 532.060 is hereby amended to read as follows:

532.060 1. The state engineer is in the unclassified service of the state.

2. [He] *Except as otherwise provided in section 1 of this act, he* shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 27. NRS 540.041 is hereby amended to read as follows:

540.041 1. The administrator:

(a) Must be selected with special reference to his training, experience, capability and interest in the field of water resource planning.

(b) [Shall] *Except as otherwise provided in section 1 of this act, shall* devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

(c) Shall coordinate the activities of the division.

2. The administrator is responsible for the administration of all provisions of law relating to the functions of the division.

3. The administrator may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of his duties.

Sec. 28. NRS 561.145 is hereby amended to read as follows:

561.145 1. The administrator shall direct and supervise all administrative and technical activities of the division, and all programs administered by the division as provided by law. [He] *Except as otherwise provided in section 1 of this act, the administrator* shall devote his entire time to the duties of his office, and shall follow no other gainful employment or occupation.

2. The administrator may, within such limitations as may be provided by law, organize the division into various bureaus and, from time to time, alter such organization and reassign responsibilities and duties as he may deem appropriate.

3. The administrator shall:

(a) Coordinate the activities of the various bureaus of the department.

(b) Report to the board upon all matters pertaining to the administration of the division.

(c) Submit a biennial report to the governor, the legislature and the board of the work of the division, with recommendations that he may deem necessary. The report must set forth the facts relating to the condition of the livestock, agriculture and related industries in the State of Nevada.

Sec. 29. NRS 607.030 is hereby amended to read as follows:

607.030 1. The labor commissioner is in the unclassified service of the state.

2. [He] *Except as otherwise provided in section 1 of this act, he* shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 30. NRS 607.050 is hereby amended to read as follows:

607.050 1. The labor commissioner shall employ a deputy, who is in the unclassified service of the state.

2. If admitted to the practice of law in the State of Nevada, the deputy has all the powers of the district attorneys of the several counties in this state in the prosecution of all claims and actions originating with the labor commissioner by appropriate action in the courts of this state, when the labor commissioner is charged with the enforcement of those laws.

3. The deputy shall act under the direction of the labor commissioner, and in the performance of his duties he is responsible to the labor commissioner.

4. [The] *Except as otherwise provided in section 1 of this act, the* deputy shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 31. NRS 612.215 is hereby amended to read as follows:

612.215 1. The division is administered by a full-time salaried administrator, who is appointed by the director of the department of employment, training and rehabilitation and who serves at the pleasure of the director.

2. The administrator:

(a) Is in the unclassified service of the state.

(b) Has full administrative authority with respect to the operation and functions of the unemployment compensation service and the state employment service.

(c) [Shall] *Except as otherwise provided in section 1 of this act, shall* devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 32. NRS 616.1719 is hereby amended to read as follows:

616.1719 [The] *Except as otherwise provided in section 1 of this act, the* manager and assistant managers shall not pursue any other business or occupation or perform the duties of any other office of profit unless on leave approved in advance. The manager and assistant managers shall not participate in any business enterprise or investment in real or personal property if the system owns or has a direct financial interest in that enterprise or property.

Sec. 33. NRS 618.255 is hereby amended to read as follows:

618.255 1. The division may employ such qualified employees as in the opinion of the administrator are necessary to enforce the provisions of this chapter.

2. Any safety and health representative employed by the division must have practical experience in the field of construction, trade, craft, technical skill, profession or industry in which his services are required.

3. The administrator and other employees of the division must not be financially interested in any business interfering with, or inconsistent with, their duties. [They] *Except as otherwise provided in section 1 of this act, the administrator and other employees of the division* shall give their entire time to the business of the division and shall not pursue any other business or vocation or hold any office of profit.

4. An employee of the division shall not serve on any committee of any political party.

Sec. 34. NRS 658.021 is hereby amended to read as follows:

658.021 The commissioner:

1. Must be a person who has had practical experience in banking, savings and loan associations or other financial institutions.

2. [Shall] *Except as otherwise provided in section 1 of this act, shall* devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 35. NRS 679B.080 is hereby amended to read as follows:

679B.080 1. The director of the department of business and industry shall designate an acting commissioner when the office of commissioner is vacant or when the commissioner is unable to perform his duties because of mental or physical disability.

2. The commissioner shall designate one of his deputies to serve as acting commissioner in the commissioner's absence.

3. The deputies have such powers and duties as the commissioner delegates and assigns to them.

4. [The] *Except as otherwise provided in section 1 of this act, the* deputies shall devote their full time to the division.

Sec. 36. NRS 706.882 is hereby amended to read as follows:

706.882 1. The director of the department of business and industry shall appoint a taxicab administrator from a list of three names submitted to him by the taxicab authority. The administrator serves at the pleasure of the director. The administrator is in the unclassified service of the state.

2. The taxicab authority may remove the administrator for good cause shown.

3. [The] *Except as otherwise provided in section 1 of this act, the* taxicab administrator shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 37. Section 2 of Assembly Bill No. 24 of this session is hereby amended to read as follows:

Sec. 2. 1. The office of financial management, training and controls is hereby created within the department of administration.

2. The director shall appoint a chief of the office. The chief is in the unclassified service of the state and *, except as otherwise provided in section 1 of Assembly Bill No. 725 of this session,* shall not engage in any other gainful employment or occupation.

3. The chief must:

(a) Be a certified public accountant licensed by this state or a public accountant qualified pursuant to chapter 628 of NRS to practice public accounting in this state; and

(b) Have at least 5 years of progressively responsible professional auditing experience performing internal audits or postaudits. The auditing experience must consist of audits of governmental entities or of private business organizations, whether or not organized for profit.

4. The chief may employ, within the limits of legislative appropriations, such staff as is necessary to the performance of his duties. The chief shall not limit his own work assignments to administrative duties.

Sec. 38. 1. This section and sections 1 to 36, inclusive, and 39 of this act, become effective upon passage and approval.

2. Section 37 of this act becomes effective at 12:01 a.m. on July 1, 1995.

Sec. 39. The legislative counsel shall, in preparing the supplement to the Nevada Revised Statutes with respect to any section which is not amended by this act or is further amended or adopted by another act, change any section which conflicts with the provisions of section 1 of this act to comply with those provisions.".

Amend the title of the bill to read as follows:

"An Act relating to the state personnel system; revising the limitations on other employment for certain persons in the unclassified service of the state; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises limitations on other employment for certain persons in unclassified service of state. (BDR 23-1732)".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 49.

Bill read second time and ordered to third reading.

Senate Bill No. 96.

Bill read second time.

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

Amendment No. 1373.

Amend the bill as a whole by deleting sec. 4 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. Sections 1 and 3 of Assembly Bill No. 435 of this session are hereby amended to read as follows:

Section 1. NRS 533.425 is hereby amended to read as follows:

533.425 *1.* Except as otherwise provided in section 1 of [this act,] *Senate Bill No. 96 of this session,* as soon as practicable after satisfactory proof has been made to the state engineer that any application to appropriate water or any application for permission to change the place of diversion, manner or place of use of water already appropriated has been perfected in accordance with the provisions of this chapter, the state engineer shall issue to the holder of the permit, his assign or assigns, a certificate setting forth:

[1.] *(a)* The name and post office address of the appropriator, his assign, or assigns.

[2.] *(b)* The date, source, purpose and amount of appropriation.

[3.] *(c)* If for irrigation, a description of the irrigated lands by legal subdivisions, when possible, to which the water is appurtenant.

[4.] *(d)* The number of the permit under which the certificate is issued.

2. If the water is appropriated from an underground source, the state engineer shall issue with the certificate a notice of the provisions governing the forfeiture and abandonment of such water rights. The notice must set forth the provisions of NRS 534.090.

Sec. 3. Section 8 of Senate Bill No. 93 of this session is hereby amended to read as follows:

Sec. 8. NRS 533.425 is hereby amended to read as follows:

533.425 1. Except as otherwise provided in section 1 of Senate Bill No. 96 of this session, as soon as practicable after satisfactory proof has been made to the state engineer that any application to appropriate water or any application for permission to change the place of diversion, manner or place of use of water already appropriated has been perfected in accordance with the provisions of this chapter, the state engineer shall issue to the holder *or holders* of the permit [, his assign or assigns,] a certificate setting forth:

(a) The name and post office address of [the appropriator, his assign, or assigns.] *each holder of the permit.*

(b) The date, source, purpose and amount of appropriation.

(c) If for irrigation, a description of the irrigated lands by legal subdivisions, when possible, to which the water is appurtenant.

(d) The number of the permit under which the certificate is issued.

2. If the water is appropriated from an underground source, the state engineer shall issue with the certificate a notice of the provisions governing the forfeiture and abandonment of such water rights. The notice must set forth the provisions of NRS 534.090.".

Amend sec. 5, page 3, line 26, by deleting: "upon passage and approval." and inserting: "on June 30, 1995.".

Assemblyman Bennett moved the adoption of the amendment.

Remarks by Assemblyman Bennett.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 389.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1094.

Amend the bill as a whole by renumbering sections 1 through 24 as sections 3 through 26 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 630.271 is hereby amended to read as follows:

630.271 *1.* A physician's assistant may perform such medical services as he is authorized to perform [under] *pursuant to* the terms of a certificate issued to him by the board, if [such] *those* services are rendered under the supervision and control of a supervising physician.

2. The board shall limit the authority of a physician's assistant to prescribe controlled substances to those schedules of controlled substances which his supervising physician is authorized to prescribe pursuant to state and federal law.

Sec. 2. NRS 633.461 is hereby amended to read as follows:

633.461 1. An osteopathic physician's assistant may perform such medical services as the board has authorized, if [such] *those* services are performed under the supervision of an employing osteopathic physician. The services authorized [shall] *must* pertain to the practice of osteopathic medicine and not to the practice of any other healing art regulated in this state or to the business of selling and fitting hearing aids.

2. The board shall limit the authority of an osteopathic physician's assistant to prescribe controlled substances to those schedules of controlled substances which his supervising osteopathic physician is authorized to prescribe pursuant to state and federal law.

3. NRS 633.741 does not prevent the service of an osteopathic physician's assistant when his service is approved as provided in this chapter.".

Amend sec. 13, page 8, lines 34 and 35, by deleting "manufactures, distributes or".

Amend sec. 13, page 8, line 36, by deleting: "manufacture, distribution or".

Amend sec. 13, page 8, line 40, by deleting "manufacture, distribute,".

Amend sec. 13, page 8, lines 41 and 42, by deleting "manufacture, distribute,".

Amend sec. 13, page 8, line 45, by deleting "need not" and inserting: "are not required to".

Amend sec. 13, page 9, line 1, by deleting: "manufacturer, distributor or".

Amend sec. 13, page 9, line 6, by deleting "employment; or" and inserting "employment;".

Amend sec. 13, page 9, line 10, by deleting the period and inserting: "; or

(d) A physician who:

(1) Holds a locum tenens license issued by the board of medical examiners or a temporary license issued by the state board of osteopathic medicine; and

(2) Is registered with the Drug Enforcement Administration at a location outside this state.".

Amend sec. 13, page 9, lines 11 and 12, by deleting: "manufacturers, distributors or".

Amend sec. 13, page 9, line 15, by deleting: "manufactures, distributes or".

Amend the bill as a whole by adding a new section designated sec. 27, following sec. 24, to read as follows:

"Sec. 27. Section 15 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 506.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1380.

Amend sec. 3, page 2, by deleting line 5 and inserting: "*or occupancy with professional engineers or architects*".

Amend sec. 3, page 2, line 6, by deleting "*or*".

Amend sec. 5, page 2, line 19, by deleting "*professions:*" and inserting: "*professions or disciplines of professional engineering:*".

Amend sec. 5, page 2, by deleting lines 22 through 25 and inserting:

"2. *Electrical engineering, as that discipline is regulated pursuant to the provisions of chapter 625 of NRS;*

3. *Mechanical engineering, as that discipline is regulated pursuant to the provisions of chapter 625 of NRS; and*

4. *Structural engineering, as that discipline is regulated pursuant to the provisions of chapter 625 of NRS.*".

Amend sec. 9, page 3, by deleting line 8 and inserting "*design;*".

Amend sec. 9, page 3, by deleting line 11 and inserting "*design;*".

Amend sec. 9, page 3, by deleting line 14 and inserting "*design;*".

Amend sec. 9, page 3, by deleting line 17 and inserting "*design; or*".

Amend sec. 9, page 3, by deleting line 19 and inserting "*design; and*".

Amend sec. 17, page 5, line 6, by deleting "subsection 2," and inserting: "[subsection 2,] *subsections 2, 3 and 4,*".

Amend sec. 17, page 5, by deleting lines 17 through 19 and inserting:

"*3. Upon completion of an investigation by the board, any records of the board described in paragraph (c) of subsection 1 are public records only if:*

(a) Disciplinary action is imposed by the board as a result of the investigation; or

(b) The person regarding whom the investigation was made submits a written request to the board requesting that the records be made public records.".

Amend sec. 32, page 10, line 44, after "*who*" by inserting: "*prepares drawings of the layout of materials or furnishings used in interior design or*".

Amend sec. 32, page 11, by deleting lines 4 and 5 and inserting:

"*(7) Furniture or equipment,*

if the preparation or implementation of those drawings or the installation of those materials or furnishings is not regulated by any building code or other law, ordinance, rule or regulation governing the alteration or construction of a structure.".

Amend sec. 39, page 13, line 28, by deleting "1997," and inserting "1999,".

Amend sec. 41, page 14, line 9, by deleting "1998." and inserting "2000.".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Joint Resolution No. 26.

Resolution read second time and ordered to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 106.

Assemblyman Sandoval moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

Senate Bill No. 312.

Assemblyman Sandoval moved that the bill be referred to the Committee on Judiciary.

Motion carried.

Senate Bill No. 490.

Assemblyman Sandoval moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 555.

Assemblyman Sandoval moved that the bill be referred to the Committee on Commerce.

Motion carried.

Senate Bill No. 570.

Assemblyman Sandoval moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 573.

Assemblyman Sandoval moved that the bill be referred to the Committee on Judiciary.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Sandoval moved that the vote whereby Senate Bill No. 324 was passed be rescinded.

Motion carried.

Assemblyman Ernaut moved that Senate Bill No. 572 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

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

Remarks by Assemblyman Humke.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Sandoval, Schneider and Goldwater as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 335.

GENERAL FILE AND THIRD READING

Senate Bill No. 572.

Bill read third time.

Remarks by Assemblyman Stroth.

Potential conflict of interest declared by Assemblyman Krenzer.

Roll call on Senate Bill No. 572:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 572 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 103.
Bill read third time.
Remarks by Assemblymen Goldwater, Brower, Price and Manendo.
Roll call on Assembly Bill No. 103:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Assembly Bill No. 103 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 314.
Bill read third time.
Remarks by Assemblymen Humke and Manendo.
Roll call on Senate Bill No. 314:
YEAS—34.
NAYS—Arberry, Bache, de Braga, Evans, Giunchigliani, Price, Williams—7.
Absent—Carpenter.

Senate Bill No. 314 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that all rules be suspended and that Assembly Bill No. 103; Senate Bill No. 572 be immediately transmitted to the Senate.
Motion carried unanimously.

Assemblyman Ernaut moved that Senate Bill No. 133 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 338.
Bill read third time.
Remarks by Assemblyman Stroth.
Roll call on Senate Bill No. 338:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 338 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 371.
Bill read third time.
Remarks by Assemblymen Perkins and Ernaut.

Roll call on Senate Bill No. 371:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 371 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 386.

Bill read third time.

Remarks by Assemblymen Arberry and Bennett.

Roll call on Senate Bill No. 386:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 386 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 390 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 414.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1395.

Amend sec. 3, page, 2, line 23, by deleting "Veterans' Administration," and inserting: "Department of Veterans Affairs,".

Assemblyman Ohrenschall moved the adoption of the amendment.

Remarks by Assemblyman Ohrenschall.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 474.

Bill read third time.

Remarks by Assemblyman Buckley.

Roll call on Senate Bill No. 474:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 474 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 519.

Bill read third time.

Remarks by Assemblyman Stroth.
Roll call on Senate Bill No. 519:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 519 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 526.
Bill read third time.
Remarks by Assemblyman Evans.
Roll call on Senate Bill No. 526:
YEAS—32.
NAYS—Close, Giunchigliani, Humke, Monaghan, Ohrenschall, Price, Sandoval, Spitler, Tiffany—9.
Absent—Carpenter.

Senate Bill No. 526 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 234.
Bill read third time.
Remarks by Assemblymen Goldwater and Harrington.
Roll call on Senate Bill No. 234:
YEAS—29.
NAYS—Bache, Batten, de Braga, Ernaut, Evans, Giunchigliani, Lambert, Marvel, Monaghan, Segerblom, Tripple—11.
Absent—Carpenter.
Not voting—Freeman.

Senate Bill No. 234 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 520, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.
Motion carried.

Assembly in recess at 4:07 p.m.

ASSEMBLY IN SESSION

At 4:37 p.m.
Mr. Speaker presiding.
Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Spitler moved that Assembly Bill No. 592 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Spitler moved that the Assembly do not recede from its action on Senate Bill No. 193, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Spitler.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Brower, Schneider and Fettic as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 193.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Evans moved that Assembly Bill No. 520 be placed at the top of the General File.

Motion carried.

Assemblyman Chowning moved that Assembly Bill No. 694 be taken from the Chief Clerk's desk and placed on the Second Reading File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 520.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1369.

Amend sec. 7, page 6, line 4, after "conduct" by inserting: ", in association with the authority of the insurance commissioner as set forth in chapter 679B of NRS,".

Amend sec. 7, page 6, line 37, after "3." by inserting: "Each insurer which is authorized to issue a policy of insurance in this state covering the liability of a practitioner licensed pursuant to chapters 630 and 633 of NRS for a breach of his professional duty toward a patient shall cooperate fully with the organization which is conducting a study in accordance with the provisions of this section.

4. The legislative commission shall appoint a legislative oversight committee comprised of one member from each of the following standing committees of the 68th session of the legislature:

(a) Senate standing committee on judiciary;

(b) Assembly standing committee on judiciary;

(c) Senate standing committee on finance; and

(d) Assembly standing committee on ways and means.

The committee shall keep itself informed of the progress of the study of claims which is conducted pursuant to this section and act as a liaison between the organization conducting the study and the legislature. The director of the legislative counsel bureau shall provide such staff and other support as is necessary for the committee to perform its duty.

5. All identifying data regarding each individual claim must be kept confidential by the organization conducting the study of claims. Only aggregate data collected as a result of the study may be disclosed by the organization.

6.".

Amend sec. 7, page 6, line 40, by deleting "4." and inserting "7.".

Amend sec. 8, page 7, between lines 4 and 5, by inserting:

"3. If the cost of the contract awarded pursuant to section 7 of this act exceeds the amount of money appropriated pursuant to subsection 1, the interim finance committee is authorized to expend from the insurance examination fund the amount necessary to cover the difference. Any such expense must be paid out of the insurance examination fund as other claims against the state are paid.".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Potential conflicts of interest declared by Assemblymen Braunlin, Tiffany, Harrington, Goldwater and Krenzer.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 358.

Bill read third time.

Remarks by Assemblyman Manendo.

Roll call on Senate Bill No. 358:

YEAS—41.

NAYS—None.

Absent—Carpenter.

Senate Bill No. 358 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 468.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 468:

YEAS—40.

NAYS—Anderson.

Absent—Carpenter.

Senate Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 482.
Bill read third time.
Remarks by Assemblyman Sandoval.
Roll call on Senate Bill No. 482:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 482 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 497.
Bill read third time.
Remarks by Assemblymen Humke, Ernaut and Price.
Roll call on Senate Bill No. 497:
YEAS—39.
NAYS—None.
Absent—Carpenter.
Not voting—Tiffany, Mr. Speaker Dini—2.

Senate Bill No. 497 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 498.
Bill read third time.
Remarks by Assemblymen Schneider and Batten.
Potential conflicts of interest declared by Assemblymen Stroth and Tiffany.
Roll call on Senate Bill No. 498:
YEAS—33.
NAYS—Bennett, Chowning, Close, Evans, Freeman, Harrington, Segerblom—7.
Absent—Carpenter.
Not voting—Mr. Speaker Dini.

Senate Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 571.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Senate Bill No. 571:
YEAS—41.
NAYS—None.
Absent—Carpenter.

Senate Bill No. 571 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 531.
Bill read third time.

The following amendment was proposed by Assemblyman Sandoval:

Amendment No. 1377.

Amend the bill as a whole by adding a new section designated sec. 6, following sec. 5, to read as follows:

"Sec. 6. A review committee or member of a review committee may not claim the privilege created pursuant to the provisions of sections 2 to 5, inclusive, of this act in a claim of medical malpractice which was filed with a screening panel pursuant to NRS 41A.039 before October 1, 1995.".

Assemblyman Sandoval moved the adoption of the amendment.

Remarks by Assemblyman Sandoval.

Potential conflict of interest declared by Assemblyman Braunlin.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Batten moved that the vote whereby Senate Bill No. 498 was passed be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 171.

Bill read third time.

Remarks by Assemblymen Carpenter and Steel.

Roll call on Senate Bill No. 171:

YEAS—41.

NAYS—Steel.

Senate Bill No. 171 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 324.

Bill read third time.

Remarks by Assemblymen Price, Bache and Ernaut.

Roll call on Senate Bill No. 324:

YEAS—42.

NAYS—None.

Senate Bill No. 324 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 133.

Bill read third time.

The following amendment was proposed by Assemblymen Dini, Hettrick, Ernaut and Perkins:

Amendment No. 1415.

Amend the bill as a whole by renumbering sections 2 through 6 as sections 3 through 7 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Chapter 484 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The department of transportation may establish the speed limits for motor vehicles on highways which are constructed and maintained by the department under the authority granted to it by chapter 408 of NRS.

2. Except as otherwise provided by federal law, the department may establish a speed limit on such highways not to exceed 75 miles per hour and may establish a lower speed limit:

(a) Where necessary to protect public health and safety.

(b) For trucks, overweight and oversized vehicles, trailers drawn by motor vehicles and buses.".

Amend sec. 6, page 3, by deleting lines 35 and 36 and inserting:

"4. [A rate of speed greater than the national maximum speed limit specified in section 114 of P.L. 93-643 (23 U.S.C. § 154).] *In any event, a rate of speed greater than 75 miles per hour.*".

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

"Sec. 8. Section 4 of chapter 306, Statutes of Nevada 1987, at page 657, is hereby amended to read as follows:

Sec. 4. This act becomes effective on the date:

1. The provisions of 23 U.S.C. § 154 setting a national maximum speed limit are *repealed by the Congress of the United States;*

2. Those provisions are invalidated by the Supreme Court of the United States;

[2.] *3.* The Supreme Court of the United States affirms the invalidation of those provisions by a lower court; or

[3.] *4.* The time for appealing a decision of a lower court invalidating those provisions expires without an appeal being taken.".

Amend the title of the bill, first line, after "laws;" by inserting: "authorizing the department of transportation to establish speed limits on certain highways; establishing a maximum rate of speed;".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 390.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1394.

Amend the bill as a whole by renumbering sections 3 through 7 as sections 4 through 8 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Sections 9 and 11 of Assembly Bill No. 152 of this session are hereby amended to read as follows:

Sec. 9. NRS 38.250 is hereby amended to read as follows:

38.250 *Except as otherwise provided in section 3 of this act:*

1. All civil actions filed in district court for damages, if the cause of action arises in the State of Nevada and the amount in issue does not exceed $40,000 must be submitted to nonbinding arbitration in accordance with the provisions of NRS 38.253, 38.255 and 38.258.

2. A civil action for damages filed in justice's court may be submitted to arbitration if the parties agree, orally or in writing, to the submission.

Sec. 11. 1. This section, sections 1 to 8, inclusive, and 10 of this act become effective on January 1, 1996.

2. Section 9 of this act becomes effective at 12:01 a.m. on January 1, 1996.".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 498.

Bill read third time.

Remarks by Assemblymen Humke and Harrington.

Roll call on Senate Bill No. 498:

YEAS—34.

NAYS—Batten, Bennett, Chowning, Close, Evans, Freeman, Harrington, Segerblom—8.

Senate Bill No. 498 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bill No. 672 be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 672.

Bill read third time.

Remarks by Assemblyman Stroth.

Roll call on Assembly Bill No. 672:

YEAS—42.

NAYS—None.

Assembly Bill No. 672 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Assemblyman Ernaut moved that all rules be suspended and that Assembly Bill No. 672 be immediately transmitted to the Senate.

Motion carried unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 592.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1356.

Amend section 1, page 1, line 2, by deleting: "2, 3 and 4" and inserting: "2 to 5, inclusive,".

Amend sec. 2, page 1, by deleting lines 3 and 4 and inserting:

"Sec. 2. *If an employer elects to provide health care benefits through a medical savings account program for an employee, the account must be administered by:*".

Amend the bill as a whole by renumbering sec. 5 as sec. 6 and adding a new section designated sec. 5, following sec. 4, to read as follows:

"Sec. 5. *The commissioner of insurance shall adopt such regulations as are necessary for the implementation of sections 2 to 5, inclusive, of this act.*".

Amend sec. 5, page 2, line 14, by deleting: "1 to 4," and inserting: "2 to 5,".

Amend sec. 5, page 2, line 17, by deleting "section 2" and inserting: "sections 2 and 5".

Amend sec. 5, page 2, line 18, by deleting "remains" and inserting "remain".

Amend sec. 5, page 2, line 20, by deleting: "of this act remains" and inserting: "and section 5 of this act remain".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 694.

Bill read second time.

The following amendment was proposed by Assemblyman Chowning:

Amendment No. 1413.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 3, by deleting line 6 and inserting: "*ant to chapter 477 of NRS.*".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 2 through 4, following sec. 2, to read as follows:

"Sec. 2. Chapter 477 of NRS is hereby amended by adding thereto the provisions set forth as sections 3 and 4 of this act.

Sec. 3. *1. The state fire marshal shall not adopt any regulations pursuant to paragraph (f) of subsection 1 of NRS 477.030, regarding any:*

(a) Match;

(b) Emergency signal flare;

(c) Cap or other noisemaker;

(d) Model rocket;

(e) Smoke-emitting device for the protection of vehicles from thieves; or

(f) Similar device,

if the device contains no magnesium and less than 100 grams of pyrotechnic composition.

2. For the purposes of paragraph (f) of subsection 1 of NRS 477.030, "fireworks" is limited to the following pyrotechnic devices:

(a) Fountains which:

(1) Consist of heavy paper or cardboard;

(2) Are shaped as a cylindrical tube or cone;

(3) Produce a shower of color and sparks that does not exceed a height of 15 feet;

(4) May produce a whistle or pop; and

(5) Are not designed to explode or leave the ground.

(b) Wheels containing no more than six driver units, each of which:

(1) Has an inside diameter that does not exceed one-half inch; and

(2) Contains no more than 60 grams of pyrotechnic composition.

(c) Sparklers which contain no more than 100 grams of pyrotechnic composition and do not have a wire core.

(d) Ground spinners which:

(1) Contain no more than 60 grams of pyrotechnic composition; and

(2) When discharged do not travel laterally more than 10 feet on a smooth surface.

(e) Torches and similar devices which contain no more than 100 grams of pyrotechnic composition.

(f) Smoke-producing devices which do not produce sparks or a sufficient amount of heat to ignite the surfaces upon which they are placed.

(g) Devices which:

(1) Are designed to be placed on the ground;

(2) Spin, jump or emit popping sounds; and

(3) When discharged do not:

(I) Attain a height of more than 15 feet; or

(II) Travel laterally more than 10 feet on a smooth surface.

Sec. 4. *1. Any person who stores or uses any fireworks in violation of the provisions of this chapter or any of the regulations regarding fireworks adopted by the state fire marshal pursuant to this chapter shall reimburse the state fire marshal and any agency of the state or of a local government for any costs incurred to:*

(a) Investigate any such violation.

(b) Suppress any fires resulting from that storage or use.

(c) Confiscate and dispose of any fireworks stored or possessed in violation of the provisions of this chapter or any regulations regarding fireworks adopted by the state fire marshal.

2. The state fire marshal or any agency of the state or of a local government may institute a legal proceeding to enforce the provisions of subsection 1.".

Amend sec. 3, page 4, by deleting lines 4 through 8 and inserting: "*use. The state fire marshal shall not adopt any regulations that entirely prohibit a local government from authorizing the public use of fireworks.*".

Amend the bill as a whole by deleting sec. 4 and renumbering sections 5 and 6 as sections 6 and 7.

Amend sec. 5, page 5, by deleting lines 32 and 33 and inserting: "*adopted by the state fire marshal pursuant to chapter 477 of NRS.*".

Amend sec. 6, page 5, by deleting line 45 and inserting: "*pursuant to chapter 477 of NRS.*".

Amend the title of the bill to read as follows:

"An Act relating to fireworks; authorizing the state fire marshal to adopt regulations regarding the types of fireworks which a local government may authorize for public use; requiring regulations and ordinances adopted by certain governmental entities to be as restrictive as the regulations adopted by the state fire marshal; imposing civil liability for certain costs resulting from the storage or use of fireworks in violation of state law or regulation; and providing other matters properly relating thereto.".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning and Bache.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 326, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 152, 310, 383, 410, 524; Assembly Concurrent Resolution No. 28; Senate Bills Nos. 68, 229, 349, 378, 422, 424, 462, 475, 496; Senate Concurrent Resolution No. 20.

REMARKS FROM THE FLOOR

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. My colleague and I, the Democratic Floor Leader, have a special presentation that we would like this body to participate in today.

I would like to take everyone back to November of last year when a unique situation happened in the State of Nevada. That was the first time in modern history the Assembly Chambers were deadlocked in a 21-21 tie. I think that everyone remembers the things that were written and the things that were said. There was a lot of pessimism, a lot of anxiety that it would never work and would degenerate into partisan battles. I think that by and large we have shown this state that it has worked and it hasn't been partisan. It has been good public policy across the board.

I think that there are no two people more responsible for that than our Co-Speakers. I am going to take a moment to talk about Speaker Hettrick. I met Lynn two campaign cycles ago, at the behest of one of the closest people to me in the political process and in Nevada, Lou Bergevin. This was the person who was going to succeed Lou and as anybody knows in this body, Lou is a very special person to me.

I was excited that Lou had blessed Lynn's candidacy. He was someone who was going to be filling his shoes and doing great things for Douglas County and Carson County for

years to come. And, I think that I share in the fact that when you meet Hettrick for the first time, you can't help but notice that he is one of those honorable, pleasant people that you could ever meet. In fact, I used to say to people, "If you can't like Lynn Hettrick, you can't like anybody."

Lynn is my classmate, my boss and my very good friend. I can say with the utmost sincerity, I have met no finer public servant, no finer Nevadan and no finer man than Lynn Hettrick.

ASSEMBLYMAN HETTRICK:

Thank you all, I appreciate that very much and I appreciate the kind words very, very much. It has been a privilege to serve. I don't want to get into a long speech in response. It has been a privilege to serve with Pete. He has done a tremendous job and we do appreciate all the efforts from everyone involved. I believe that Mr. Perkins is standing for some similar reason.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. It is my honor to provide the other half of this presentation. To someone who will go down in the history of this state as always being known as "Mr. Speaker."

Speaker Dini has spent almost 30 years in this Legislature. I guess I could try and talk about who his predecessor was, but probably Joe is the only one who knows. So, I guess I won't go into that. I won't talk about how when Speaker Dini was elected, the Republican Floor Leader and myself were probably still in diapers.

It has always been known, particularly as this session started, and the rocky roads we were on to get into this session, that Joe Dini carries the respect of everyone, without exception. Everyone who knows about Joe Dini, knows that his character is impeccable, his integrity is untarnished and that he is a man of honor. Joe Dini is the consummate statesman.

There have been many times between November 8 and January 16 when we were trying to organize this house, that he brought the voice of reason to the table; his very calming voice. Between Joe and Lynn, they were probably the two most important reasons we were able to get down to doing the people's work. Joe Dini's leadership is unquestionable.

I think that you can look around at all the public policies that exist today, and although you won't see any overt fingerprints, I am sure that you can tell that Joe's touch has been on every important public policy that exists for our state today.

One of the things that is unusual for somebody in this house, is that they gain strength as the session goes. Most of us are running down; our stamina is falling apart and I think everyone has noticed that this is the point in session when Speaker Dini actually gains his strength. He will, undoubtedly, be the strongest person for us and for our state as we close this session and actually reach the point of *Sine Die*.

It has been said that Joe went out on a limb when he asked me to be his Floor Leader. I won't dispute that, but I do want to say, I appreciate your faith and your confidence in me and the wisdom that you have imparted to me to help you and the rest of this Assembly do the work that needs to be done.

In closing, I would like to say that I'll be very proud to be able to speak to my children and grandchildren and tell them that I served with Speaker Dini.

ASSEMBLYMAN DINI:

Thank you, so much. I have a sinus infection today, so I don't talk well, but it has really been an honor to serve with Lynn. He has really been a great guy to work with. He is intelligent. He is learning the process fast and you know, it is nice to see young people develop.

My Dad was always that way. He wanted to see the young people move forward. To see these two Floor Leaders develop, who are probably younger than my youngest son, really means a lot to me. That is what this is all about. The old people can give you some guidance and talk to you, but you either develop or you don't develop in this process.

The turnover that I have seen and the great people that I have served with, you tell in a hurry who is going to make it and who's not. I think these boys are going to be around for a long time. It's a pleasure serving with all of you and it has been a great session as far as I'm concerned. Thank you, so much.

ASSEMBLYMAN ERNAUT:

Mr. Speakers, as you are opening your gifts, I want you to know that those gifts come from every member of this body with a special thanks to the Co-Chairman of Elections and Procedures who kicked in a little extra. They are a token of our gratitude for your service to the state; matching silver belt buckles. I feel that they are very appropriate with this session in that they are identical except for your names.

ASSEMBLYMAN HETTRICK:

You can't see our names, but we will be happy to show them to you. They are engraved on the back and they are absolutely beautiful. I thank you all very, very much. It has really been a pleasure to serve with Joe. I can't do better than Rich did in terms of speaking to what "Mr. Speaker" in the State of Nevada means.

We were very fortunate to have had an article written in *State Legislature Magazine* recently about two Speakers-one house. It was very nice. At one point in the article it said, "Hettrick, when spoken to early in the session was addressed as Mr. Speaker." And I said, "No, I had to earn that; Joe was Mr. Speaker." I would like to think that I have earned that, but I want to tell you that it has been in part because of the effort and help from Mr. Dini. I really, truly thank you all.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Arberry, the privilege of the floor of the Assembly Chamber for this day was extended to Gwen Scaggiari and Arlene Hayes.

On request of Assemblyman Ohrenschall, the privilege of the floor of the Assembly Chamber for this day was extended to Derrell Parker.

Assemblyman Ernaut moved that the Assembly adjourn until Thursday, June 29, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 5:33 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-FIFTH DAY

CARSON CITY (Thursday), June 29, 1995

Assembly called to order at 11:23 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Al Tilstra.

We thank You, O Lord, that this land is still governed by the people's representatives. Let the democratic processes be seen at their best as we come to the close of this year's session.

As these chosen women and men discharge their duties, guide them, O God, in the decisions they must make today. Give them the grace of humility and shed Your guiding light into every mind. May what is done be so clearly right it needs no incendiary justification. These things we ask in Your Holy Name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 271, 351, 406, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bills Nos. 224, 270, 458; Senate Bill No. 501, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 443, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 735, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 395, 435, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was re-referred Assembly Bill No. 538, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was re-referred Assembly Bill No. 398, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Assembly Concurrent Resolutions Nos. 33, 38, 49, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and be adopted as amended.

CHRIS GIUNCHIGLIANI, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 28, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 181, 587, 607, 696, 710.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 50, 118, 153, 258, 352, 393, 437, 452, 486, 582, 606, 625, 643, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 92 and requests a conference, and appointed Senators Adler, McGinness and Porter as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 187 and requests a conference, and appointed Senators Washington, Porter and Lee as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 61.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 192.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 510.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 594.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 574, 576.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 336, 397, 406, 441, 566, 569.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 144, 154, 308, 311, 374, 401, 416, 443.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 303.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 539.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 32.

Assemblyman Close moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted.

Senate Concurrent Resolution No. 60.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblymen Ohrenschall, Giunchigliani and Chowning.

Assemblyman Giunchigliani moved that Senate Concurrent Resolution No. 60 be taken from the Resolution File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Guinchigliani.

Motion carried.

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 51—Providing for the compensation of the clergy for services rendered to the Assembly and the Senate during the 68th session of the Nevada Legislature.

Assemblyman Close moved the adoption of the resolution.

Remarks by Assemblyman Close.

Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 738—An Act relating to projects of capital improvement; making appropriations from the state general fund and the state highway fund; providing for the issuance of general obligation bonds of the state; authorizing certain expenditures by the state public works board; requiring the repayment for certain projects by certain state agencies; levying a property tax to support the consolidated bond interest and redemption fund; and providing other matters properly relating thereto.

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

Motion carried.

Senate Bill No. 336.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 397.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 406.

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

Motion carried.

Senate Bill No. 441.

Assemblyman Perkins moved that the bill be referred to the Committee on Transportation.

Motion carried.

Senate Bill No. 566.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 569.

Assemblyman Perkins moved that the bill be referred to the Committee on Taxation.

Motion carried.

Senate Bill No. 574.

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

Motion carried.

Senate Bill No. 576.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 737, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 326.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1406.

Amend section 1, page 1, line 4, by deleting "$174,650" and inserting "$185,521".

Amend section 1, page 1, line 5, by deleting "$109,800" and inserting "$121,411".

Assemblyman Arberry moved the adoption of the amendment.

Remarks by Assemblyman Arberry.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 676.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1400.

Amend the bill as a whole by deleting sections 1 through 6 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 201.430 is hereby amended to read as follows:

201.430 1. It is unlawful for any *person engaged in conduct which is unlawful pursuant to paragraph (b) of subsection 1 of NRS 207.030, or any* owner, operator, agent or employee of a house of prostitution, or anyone acting on behalf of any such person, to advertise *the unlawful conduct or* any house of prostitution:

(a) In any public theater, on the public streets of any city or town, or on any public highway; or

(b) [Any where in] *In* any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute.

2. It is unlawful for any person knowingly to prepare or print an advertisement concerning a house of prostitution not licensed for that purpose pursuant to NRS 244.345, or conduct which is unlawful pursuant to paragraph (b) of subsection 1 of NRS 207.030, in any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute.

3. Inclusion in any display, handbill or publication of the address, location or telephone number of a house of prostitution or of identification of a means of transportation to such a house, or of directions telling how to obtain any such information, constitutes prima facie evidence of advertising for the purposes of this section.

[3.] *4.* Any person, company, association or corporation violating the provisions of this section shall be punished:

(a) For the first [offense, by a fine of not more than $500.

(b) For any subsequent offense, for a misdemeanor.] *violation within a 3-year period, by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment.*

(b) For a second violation within a 3-year period, by imprisonment in the county jail for not less than 30 days nor more than 6 months, and by a fine of not less than $250 nor more than $1,000.

(c) For a third or subsequent violation within a 3-year period, by imprisonment in the county jail for 6 months and by a fine of not less than $250 nor more than $1,000.

Sec. 2. NRS 201.440 is hereby amended to read as follows:

201.440 [Any]

1. In any county, city or town where prostitution is prohibited by local ordinance or where the licensing of a house of prostitution is prohibited by state statute, it is unlawful for any person, company, association or corporation [who knowingly allows] *knowingly to allow* any *person engaged in conduct which is unlawful pursuant to paragraph (b) of subsection 1 of NRS 207.030, or any* owner, operator, agent or employee of a house of prostitution, or anyone acting on behalf of any such person, to advertise a house of prostitution in his place of business . [shall be punished:

1.] 2. *Any person, company, association or corporation that violates the provisions of this section shall be punished:*

(a) For the first [offense, by a fine of not more than $500.

2. For any subsequent offense, for a misdemeanor.] *violation within a 3-year period, by imprisonment in the county jail for not more than 6 months, or by a fine of not more than $1,000, or by both fine and imprisonment.*

(b) For a second violation within a 3-year period, by imprisonment in the county jail for not less than 30 days nor more than 6 months, and by a fine of not less than $250 nor more than $1,000.

(c) For a third or subsequent violation within a 3-year period, by imprisonment in the county jail for 6 months and by a fine of not less than $250 nor more than $1,000.".

Amend the title of the bill to read as follows:

"An Act relating to prostitution; prohibiting certain advertising concerning prostitution; providing penalties; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Prohibits certain advertising concerning prostitution. (BDR 15-2111)".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 520, 592, 655, 694, 725; Senate Bills Nos. 96, 129, 133, 214, 389, 390, 414, 448, 463, 506, 517, 531 be placed on the General File immediately following Assembly Bill No. 734.

Motion carried.

Assemblyman Perkins moved that Assembly Bill No. 729 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 468.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Lambert.

Assemblyman Lambert moved that Assembly Bill No. 468 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 49 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 712.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 712:

YEAS—41.

NAYS—None.

Absent—Price.

Assembly Bill No. 712 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 734.

Bill read third time.

Remarks by Assemblymen Marvel, Arberry, Freeman, Giunchigliani, Schneider, Neighbors and Lambert.

Roll call on Assembly Bill No. 734:

YEAS—42.

NAYS—None.

Assembly Bill No. 734 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 520.

Bill read third time.

Remarks by Assemblymen Sandoval, Close and Carpenter.

Potential conflict of interest declared by Assemblyman Braunlin.

Roll call on Assembly Bill No. 520:

YEAS—38.

NAYS—Batten.

Not voting—Goldwater, Harrington, Krenzer—3.

Assembly Bill No. 520 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 592.

Bill read third time.

Remarks by Assemblymen Buckley and Freeman.

Roll call on Assembly Bill No. 592:
YEAS—40.
NAYS—Goldwater.
Not voting—Krenzer.

Assembly Bill No. 592 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bills Nos. 271, 351, 406, 735, 737, considered engrossed and declared emergency measures under the Constitution and placed on third reading and final passage.
Motion carried unanimously.

Assemblyman Segerblom moved that Senate Joint Resolution No. 26 be taken from the General File and placed on the Chief Clerk's desk.
Remarks by Assemblyman Segerblom.
Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 655.
Bill read third time.
Remarks by Assemblymen Tiffany, Buckley and Marvel.
Roll call on Assembly Bill No. 655:
YEAS—42.
NAYS—None.

Assembly Bill No. 655 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 694.
Bill read third time.
Remarks by Assemblymen Chowning, Harrington, Segerblom, Manendo, Evans and Close.
Roll call on Assembly Bill No. 694:
YEAS—42.
NAYS—None.

Assembly Bill No. 694 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 725.
Bill read third time.
Remarks by Assemblymen Lambert and Bennett.
Roll call on Assembly Bill No. 725:
YEAS—42.
NAYS—None.

Assembly Bill No. 725 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 271.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 271:

YEAS—41.

NAYS—Harrington.

Assembly Bill No. 271 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 351.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 351:

YEAS—31.

NAYS—Bache, Freeman, Giunchigliani, Goldwater, Harrington, Lambert, Monaghan, Ohrenschall, Sandoval, Spitler, Steel—11.

Assembly Bill No. 351 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 406.

Bill read third time.

Remarks by Assemblyman Allard.

Roll call on Assembly Bill No. 406:

YEAS—33.

NAYS—Bache, Braunlin, Brower, Evans, Freeman, Giunchigliani, Lambert, Monaghan, Tiffany—9.

Assembly Bill No. 406 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 735.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 735:

YEAS—42.

NAYS—None.

Assembly Bill No. 735 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 737.

Bill read third time.

Remarks by Assemblymen Marvel, Giunchigliani, Schneider, Mr. Speaker Dini, Anderson and Price.

Potential conflicts of interest declared by Assemblymen Giunchigliani, Bache, Anderson and Williams.

Roll call on Assembly Bill No. 737:

YEAS—42.

NAYS—None.

Assembly Bill No. 737 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended and that Assembly Bills Nos. 271, 351, 406, 520, 592, 655, 694, 712, 725, 735, 737 be immediately transmitted to the Senate.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 113, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 113, 224, 270, 458; Senate Bills Nos. 395, 435, 501 be placed on the Second Reading File.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Anderson, Schneider and Carpenter as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 92.

Mr. Speaker appointed Assemblymen Chowning, Hettrick and Allard as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 187.

Mr. Speaker announced that if there were no objections, the Assembly would recess until 1:20 p.m.

Assembly in recess at 12:59 p.m.

ASSEMBLY IN SESSION

At 1:50 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 565, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Assembly Bill No. 703, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 491, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which were referred Senate Bills Nos. 70, 300, 403, 541, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY SPITLER, *Chairman*

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Bill No. 420, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JACK D. CLOSE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 29, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 117, 122, 176, 412, 518, 562, 566, 580, 602, 610, 622, 658, 717, 720.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 709, 722, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 46.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 249, 430.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 161, 433, 456 which were returned from enrollment for the purpose of effecting technical amendments.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Augustine, Lowden and Shaffer as a first Committee on Conference concerning Senate Bill No. 193.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Washington, Adler and Porter as a first Committee on Conference concerning Senate Bill No. 335.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Lowden, Regan and Augustine as a first Committee on Conference concerning Senate Bill No. 458.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 249.

Assemblyman Perkins moved that the bill be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Bill No. 430.

Assemblyman Perkins moved that the bill be referred to the Committee on Health and Human Services.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 398, 443, 538 be placed at the top of the General File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 113.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1432.

Amend section 1, page 1, by deleting lines 1 through 10 and inserting:

"Section 1. 1. There is hereby appropriated from the state general fund to the Tricounty Railway Commission of Carson City and Lyon and Storey counties the sum of $5,000,000 for the establishment of a railroad line similar to the former Virginia & Truckee Railroad from Virginia City through the Gold Hill area to Carson City, including, without limitation:

(a) Acquisition of the right of way necessary for the railway and any appurtenances thereto;

(b) Construction of the track, including any necessary preparation of the underlying surface; and

(c) Purchase or other acquisition of any associated equipment.

2. The appropriation made by subsection 1 is contingent upon:

(a) The Tricounty Railway Commission obtaining money from any public or private source in an amount of $15,000,000 for support of the establishment of the railroad line.

(b) The Tricounty Railway Commission entering into a written agreement with the state board of examiners to repay the amount of this appropriation by transferring to the state treasurer at least 6 percent of the price charged or $1 per ticket sold, whichever is greater, per person to ride upon the railroad line once it is completed until the amount of the appropriation has been repaid. The agreement must set forth the terms of repayment.

(c) The receipt by the state board of examiners of a first security interest in favor of the State of Nevada upon the railroad track, the right of way acquired and all equipment and other assets of the Tricounty Railway Commission to the extent necessary, as determined by the state board of examiners, to secure the repayment of the appropriation made by subsection 1.".

Amend sec. 3, page 1, by deleting lines 15 and 16 and inserting:

"Sec. 3. This act becomes effective on July 1, 1995.".

Amend the title of the bill, first line, by deleting "an appropriation" and inserting: "a contingent appropriation".

Amend the summary of the bill, first line, after "Makes" by inserting "contingent".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 224.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1407.

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

"Section 1. 1. There is hereby appropriated from the state general fund to the department of education the sum of $34,000,000 for distribution to local school districts to be used for locally identified needs.

2. At least 73 percent of the money allocated to a school district from the appropriation made in subsection 1 must be used to supplement and not replace the money that the school district would otherwise expend for:

(a) Textbooks;

(b) Books for the library;

(c) Software for computers;

(d) Other instructional materials;

(e) Equipment used for instruction;

(f) Computer hardware;

(g) Training of personnel;

(h) Repairs and improvements to buildings; and

(i) Any other purpose that the board of trustees of the school district determines would improve the educational programs of the district.

Except that a school district shall not use any money designated within this subsection to pay any portion of the salaries or benefits of the personnel of the school district.

3. The sum allocated to a school district from the appropriation made by subsection 1 must be based on the school district's proportional share of basic support calculated pursuant to paragraph (a) of subsection 1 of NRS 387.1233 during the fiscal year 1994-1995.".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 3 and 4 and adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Each school district that receives money from the appropriation made by section 1 of this act shall provide to the interim finance committee, at such times as the interim finance committee may request, and to the 69th session of the Nevada legislature, on or before February 1, 1997, a comprehensive report which must include:

1. An itemized list of all expenditures of money allocated to the school district from the appropriation made by section 1 of this act during fiscal years 1995-1996 and 1996-1997; and

2. An itemized list of all expenditures made for similar purposes from other money available to the school district for the fiscal years 1995-1996 and 1996-1997.".

Amend sec. 3, page 1, by deleting lines 9 and 10 and inserting:

"Sec. 4. This act becomes effective on July 1, 1995.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblymen Marvel and Bennett.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 270.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1429.

Amend section 1, page 1, line 2, by deleting "$2,540,000" and inserting "$1,500,000".

Amend sec. 3, page 1, by deleting lines 9 and 10 and inserting:

"Sec. 3. This act becomes effective on July 1, 1995.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 458.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1437.

Amend section 1, page 2, by deleting lines 5 through 9 and inserting: "Churchill County School District the sum of $40,000 for expansion of the Turnabout AmeriCorps Child Care Program to include child care and instructional classes for young mothers under the age of 17 years.".

Amend sec. 2, page 2, line 10, after "County" by inserting "School District".

Amend sec. 3, page 2, by deleting lines 13 and 14 and inserting:

"Sec. 3. Any remaining balance of the appropriation made by section 1 of this act must not be committed for".

Amend the title of the bill, first line, after "County" by inserting "School District".

Amend the summary of the bill, first line, after "County" by inserting "School District".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 395.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1331.

Amend sec. 6, page 2, by deleting lines 4 and 5 and inserting:

"*The term includes a risk retention group which operates in compliance with chapter 695E of NRS and insures all or any part of a contractor's*".

Amend sec. 9, page 2, line 14, by deleting "*1.*".

Amend sec. 9, page 2, line 15, by deleting "*(a)*" and inserting "*1.*".

Amend sec. 9, page 2, line 19, by deleting "*(b)*" and inserting "*2.*".

Amend sec. 9, page 2, by deleting lines 21 through 23.

Amend sec. 11, page 3, line 12, by deleting "*and the*" and inserting: "*and, unless the offer is limited to a proposal for monetary compensation, the*".

Amend sec. 11, page 3, by deleting lines 14 through 16 and inserting:

"*(c) May include:*

(1) A proposal for monetary compensation.

(2) If the contractor is licensed to make the repairs, an agreement by the contractor to make the repairs.

(3) An agreement by the contractor to cause the repairs to be made, at the contractor's expense, by another contractor who is licensed to make the repairs, bonded and insured.".

Amend sec. 13, page 3, line 44, after "*recover*" by inserting "*only*".

Amend sec. 16, page 4, line 37, after "*practicable.*" by inserting: "*The contractor shall not cure the defect by making any repairs for which he is not licensed or by causing any repairs to be made by a person who is not licensed to make those repairs.*".

Amend the bill as a whole by adding a new section designated sec. 19.5, following sec. 19, to read as follows:

"Sec. 19.5. *No claim or cause of action governed by sections 2 to 20, inclusive, of this act may be brought by a claimant or contractor against any third parties, including a government, governmental agency or political subdivision of a government, during the period in which a claim or cause of action for a constructional defect is being settled, mediated or otherwise resolved pursuant to sections 2 to 20, inclusive, of this act. The settlement of such a claim or cause of action does not affect the rights or obligations of any person who is not a party to the settlement, and the failure to reach such a settlement does not affect the rights or obligations of the claimant or contractor in any action brought by the claimant or contractor against a third party.*".

Amend sec. 20, page 6, line 22, by deleting "*1.*".

Amend sec. 20, page 6, by deleting lines 27 through 36.

Amend the bill as a whole by renumbering sec. 21 as sec. 22 and adding a new section designated sec. 21, following sec. 20, to read as follows:

"Sec. 21. NRS 624.300 is hereby amended to read as follows:

624.300 1. [The] *Except as otherwise provided in subsection 3, the* board may suspend or revoke licenses already issued, refuse renewals of licenses, impose limits on the field, scope and monetary limit of the license, impose an administrative fine of not more than $5,000 or reprimand or take

other less severe disciplinary action, including without limitation, increasing the amount of the surety bond or cash deposit of the licensee, if the licensee commits any act which constitutes a cause for disciplinary action.

2. If the board suspends or revokes the license of a contractor for failure to establish financial responsibility, the board may, in addition to any other conditions for reinstating or renewing the license, require that each contract undertaken by the licensee for a period to be designated by the board, not to exceed 12 months, be separately covered by a bond or bonds approved by the board and conditioned upon the performance of and the payment of labor and materials required by the contract.

3. *The board shall not take any disciplinary action pursuant to this section regarding a constructional defect, as that term is defined in section 5 of this act, during the period in which any claim arising out of that defect is being settled, mediated or otherwise resolved pursuant to sections 2 to 20, inclusive, of this act, unless the disciplinary action is necessary to protect the public health or safety.*

4. If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the board.".

Amend sec. 21, pages 6 and 7, by deleting lines 46 through 48 on page 6 and lines 1 and 2 on page 7 and inserting: "*that term is defined in section 5 of this act.*".

Amend the bill as a whole by renumbering sec. 22 as sec. 24 and adding a new section designated sec. 23, following sec. 21, to read as follows:

"Sec. 23. Section 1 of Senate Bill No. 71 of this session is hereby amended to read as follows:

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

624.300 1. Except as otherwise provided in subsection 3, the board may [suspend] *:*

(a) Suspend or revoke licenses already issued [, refuse] *;*

(b) Refuse renewals of licenses [, impose] *;*

(c) Impose limits on the field, scope and monetary limit of the license [, impose] *;*

(d) Impose an administrative fine of not more than $5,000 *;*

(e) Order the licensee to take action to correct a condition resulting from an act which constitutes a cause for disciplinary action, at the licensee's cost; or [reprimand]

(f) Reprimand or take other less severe disciplinary action, including , without limitation, increasing the amount of the surety bond or cash deposit of the licensee,

if the licensee commits any act which constitutes a cause for disciplinary action.

2. If the board suspends or revokes the license of a contractor for failure to establish financial responsibility, the board may, in addition to any other conditions for reinstating or renewing the license, require that each contract undertaken by the licensee for a period to be designated by

the board, not to exceed 12 months, be separately covered by a bond or bonds approved by the board and conditioned upon the performance of and the payment of labor and materials required by the contract.

3. The board shall not take any disciplinary action pursuant to this section regarding a constructional defect, as that term is defined in section 5 of [this act,] *Senate Bill No. 395 of this session,* during the period in which any claim arising out of that defect is being settled, mediated or otherwise resolved pursuant to sections 2 to 20, inclusive, of [this act,] *Senate Bill No. 395 of this session,* unless the disciplinary action is necessary to protect the public health or safety.

4. If discipline is imposed pursuant to this section, the costs of the proceeding, including investigative costs and attorney's fees, may be recovered by the board.''.

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblyman Anderson.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 435.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1306.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

''Section 1. NRS 441A.220 is hereby amended to read as follows:

441A.220 All information of a personal nature about any person provided by any other person reporting a case or suspected case of a communicable disease, or by any person who has a communicable disease, or as determined by investigation of the health authority, is confidential medical information and must not be disclosed to any person under any circumstances, including pursuant to any subpoena, search warrant or discovery proceeding, except as follows:

1. For statistical purposes, provided that the identity of the person is not discernible from the information disclosed.

2. In a prosecution for a violation of this chapter.

3. In a proceeding for an injunction brought pursuant to this chapter.

4. In reporting the actual or suspected abuse or neglect of a child or elderly person.

5. To any person who has a medical need to know the information for his own protection or for the well-being of a patient or dependent person, as determined by the health authority in accordance with regulations of the board.

6. If the person who is the subject of the information consents in writing to the disclosure.

7. Pursuant to subsection [2] *3* of NRS 441A.320.

8. If the disclosure is made to the welfare division of the department of human resources and the person about whom the disclosure is made has

been diagnosed as having acquired immunodeficiency syndrome or an illness related to the human immunodeficiency virus and is a recipient of or an applicant for assistance to the medically indigent.

9. To a fireman, police officer or person providing emergency medical services if the board has determined that the information relates to a communicable disease significantly related to that occupation. The information must be disclosed in the manner prescribed by the board.

10. If the disclosure is authorized or required by specific statute.".

Amend section 1, page 1, line 23, after "2." by inserting: "*If:*

(a) The person arrested or the minor detained pursuant to subsection 1 alleges that the commission of the crime or act resulted in a transfer of bodily fluids between the arrested person or detained minor and the victim;

(b) The health authority determines, pursuant to the protocol established by regulations of the board, that the transfer has the potential to cause the transmission of disease; and

(c) Substantial evidence exists to indicate that the transfer has occurred, the health authority shall test a specimen obtained from the victim for exposure to the human immunodeficiency virus and any commonly contracted sexually transmitted disease, regardless of whether he or, if a minor, his parent or guardian consents to providing the specimen. The health authority shall perform the test in accordance with generally accepted medical practices.

3.".

Amend section 1, page 1, by deleting line 24 and inserting: "pursuant to [subsection 1] *subsections 1 and 2* to:".

Amend section 1, page 2, line 4, by deleting: "guardian [.] *;*" and inserting: "guardian [.

3.] *;*".

Amend section 1, page 2, line 11, by deleting "3." and inserting "*4.*".

Amend section 1, page 2, line 24, by deleting "4." and inserting "[4.] *5.*".

Amend section 1, page 2, line 36, by deleting "*officer.*" and inserting: "*officer, including, but not limited to, the cost of testing the victim pursuant to subsection 2.*".

Amend section 1, page 2, line 37, by deleting "*5.*" and inserting "*6.*".

Amend section 1, page 2, line 40, by deleting: "tracted [.] *; and*" and inserting: "tracted [.

6.] *; and*".

Amend section 1, page 2, line 44, by deleting "6." and inserting "*7.*".

Amend the bill as a whole by renumbering sections 2 and 3 as sections 4 and 5 and adding a new section designated sec. 3, following section 1, to read as follows:

"Sec. 3. The state board of health shall adopt the regulations required pursuant to NRS 441A.320 as amended by section 2 of this act not more than 1 year after the effective date of this act.".

Amend the title of the bill, third line, after the semicolon by inserting: "requiring such testing of certain victims;".

Amend the summary of the bill, second line, by deleting "disease." and inserting: "disease and requires such testing of certain victims.".

Assemblyman Anderson moved that Senate Bill No. 435 be taken from the Second Reading File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Anderson.

Motion carried.

Senate Bill No. 501.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1405.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 1, line 14, by deleting "2," and inserting "4,".

Amend sec. 2, page 1, line 15, after "supported" by inserting "entirely".

Amend sec. 2, page 1, line 16, by deleting "agencies." and inserting: "agencies, to the extent that the cost of such services is not included in the budget of the office of the attorney general.

2. A state agency which is included in the cost allocation plan prepared by the director of the department of administration pursuant to section 2 of [this act] *Senate Bill No. 567 of this session* must be charged an amount determined in accordance with the cost allocation plan.

3. A state agency which is not included in the cost allocation plan must be charged for services on an hourly basis in an amount sufficient to pay the salary and other expenses of the deputy attorney general who provides the services.".

Amend sec. 2, page 1, line 17, by deleting "2." and inserting "4.".

Amend the bill as a whole by adding a new section designated sec. 2, following sec. 2, to read as follows:

"Sec. 2. Section 2 of Senate Bill No. 567 of this session is hereby amended to read as follows:

Sec. 2. Chapter 353 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The director of the department of administration shall annually prepare a statewide cost allocation plan distributing service agency indirect costs among the various agencies in accordance with the principles and procedures established by federal regulations and guidelines.

2. In preparing the plan required by subsection 1, the director shall allocate any appropriate costs to the state board of sheep commissioners and the committee to control predatory animals of the division of agriculture of the department of business and industry but any costs so allocated must be reimbursed from the state general fund. In no event may the reimbursement exceed $5,000.

3. The director shall report to the legislature, or the interim finance committee if the legislature is not in session, if in his opinion the reimbursement required by subsection 2 is no longer necessary.".

Amend sec. 3, page 2, line 6, by deleting "act" and inserting "section".

Amend sec. 4, page 2, by deleting line 8 and inserting:

"Sec. 4. 1. This section and section 3 of this act become effective upon passage and approval.

2. Sections 1 and 2 of this act become effective at 12:01 a.m. on July 1, 1995, and expire by limitation on July 1, 2003.".

Amend the title of the bill, by deleting the first and second lines and inserting: "An Act relating to state financial administration; partially".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

GENERAL FILE AND THIRD READING

Assembly Bill No. 398.

Bill read third time.

Remarks by Assemblymen de Braga and Marvel.

Assemblyman Marvel moved that Assembly Bill No. 398 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Marvel.

Motion carried.

Assembly Bill No. 443.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1433.

Amend section 1, page 1, lines 7 and 8, by deleting "*a baccalaureate*" and inserting "*an undergraduate*".

Amend section 1, page 2, line 1, after "*employee*" by inserting: "*or volunteer member*".

Amend sec. 2, page 2, by deleting lines 9 through 17 and inserting:

"Sec. 2. There is hereby appropriated from the state general fund to the trust fund for the education of dependent children created pursuant to section 1 of this act the sum of $20,000.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 538.

Bill read third time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1391.

Amend section 1, page 1, line 2, by deleting "regulations," and inserting: "regulations which affect business and economic development,".

Amend sec. 2, page 1, line 10, after "regulations" by inserting: "which affect business and economic development".

Amend sec. 3, pages 1 and 2, by deleting lines 20 through 23 on page 1 and lines 1 through 21 on page 2 and inserting:

"Sec. 3. The legislative committee to study state regulations which affect business and economic development shall review the provisions of chapters 278, 333, 338, 341, 348A, 349, 361, 364A, 444, 444A, 445A, 445B, 446, 447, 459, 477, 484, 522, 538, 590, 598, 608, 612, 662, 686A and 689C of the Nevada Administrative Code and any other state regulations it determines affect business and economic development, and:

1. Determine the effect of existing state regulations on Nevada's efforts to promote economic development.

2. Consider possible methods to:

(a) Reduce the number and complexity of state regulations which affect business and economic development.

(b) Decrease the number of state agencies authorized to adopt regulations regarding similar subjects which affect business and economic development.

(c) Consolidate the assessment and collection of fees imposed by state regulations which affect business and economic development.

3. Recommend to the 69th session of the legislature any proposals for legislation the committee deems appropriate regarding the adoption of state regulations which affect business and economic development.".

Amend the title of the bill, second line, after "regulations" by inserting: "which affect business and economic development".

Amend the summary of the bill to read as follows:

"Summary—Creates legislative committee to study state regulations which affect business and economic development. (BDR S-191)".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 393.

The following Senate amendments were read:

Amendment No. 1249.

Amend sec. 8, page 6, line 8, by deleting "*firearm,*" and inserting: "*firearm or there is a cartridge in the chamber,*".

Amend sec. 12, page 9, line 25, by deleting "*firearm,*" and inserting: "*firearm or there is a cartridge in the chamber,*".

Amendment No. 724.

Amend sec. 2, pages 1 and 2, by deleting lines 6 through 14 on page 1 and lines 1 through 3 on page 2, and inserting: "*under his control in violation of NRS 202.300, the court shall:*

(a) For the first offense:

(1) Require him to perform 100 hours of public service in the manner provided in paragraph (e) of subsection 1 of NRS 62.211; and

(2) Suspend his driver's license for not more than 1 year or, if he does not possess a driver's license, prohibit the child from applying for a driver's license for not more than 1 year:

(I) Immediately following the date of the order, if the child is eligible to apply for a driver's license.

(II) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to apply for a license on the date of the order.

(b) For the second offense:

(1) Require him to perform at least 100 hours, but not more than 250 hours of public service in the manner provided in paragraph (e) of subsection 1 of NRS 62.211; and

(2) Suspend his driver's license for not more than 2 years or, if he does not possess a driver's license, prohibit the child from applying for a driver's license for not more than 2 years:

(I) Immediately following the date of the order, if the child is eligible to apply for a driver's license.

(II) After the date he becomes eligible to apply for a driver's license, if the child is not eligible to apply for a license on the date of the order.".

Amend sec. 2, page 2, by deleting lines 17 through 20 and inserting:

"*5. The department of motor vehicles and public safety:*

(a) Shall report a suspension pursuant to this section to an insurance company or its agent inquiring about the child's driving record, but such a suspension must not be considered for the purpose of rating or underwriting.

(b) Shall not require the child to submit to the tests and other requirements which".

Amend sec. 4, page 3, line 32, by deleting "*Order*" and inserting: "*If the child is less than 17 years of age, order*".

Amend sec. 8, page 5, by deleting lines 47 and 48 and inserting:

"*(c) There is a cartridge in the magazine and the magazine is in the firearm, if the firearm is a semiautomatic firearm.*".

Amend sec. 12, page 9, by deleting lines 18 and 19 and inserting:

"*(c) There is a cartridge in the magazine and the magazine is in the firearm, if the firearm is a semiautomatic firearm.*".

Amend the bill as a whole by deleting sec. 23 and renumbering sec. 24 as sec. 23.

Amend sec. 24, page 16, line 7, by deleting "Order" and inserting: "If the child is less than 17 years of age, order".

Amend the bill as a whole by renumbering sec. 25 as sec. 28 and adding new sections designated sections 24 through 27, following sec. 24, to read as follows:

"Sec. 24. Section 1 of Senate Bill No. 41 of this session is hereby amended to read as follows:

Section 1. NRS 202.340 is hereby amended to read as follows:

202.340 1. Except as otherwise provided for firearms forfeitable pursuant to NRS 453.301, when any instrument or weapon described in NRS 202.350 is taken from the possession of any person charged with the commission of any public offense or crime or any child charged with committing a delinquent act, the instrument or weapon must be surrendered to:

(a) The head of the police force or department of an incorporated city if the possession thereof was detected by any member of the police force of the city; or

(b) The chief administrator of a state law enforcement agency, for disposal pursuant to NRS 333.220, if the possession thereof was detected by any member of the agency.

In all other cases, the instrument or weapon must be surrendered to the sheriff of the county or the sheriff of the metropolitan police department for the county in which the instrument or weapon was taken.

2. Except as otherwise provided in subsection 5, the governing body of the county or city or the metropolitan police committee on fiscal affairs shall at least once a year order the local law enforcement officer to whom any instrument or weapon is surrendered pursuant to subsection 1 to:

(a) Retain the confiscated instrument or weapon for use by the law enforcement agency headed by the officer;

(b) Sell the confiscated instrument or weapon to another law enforcement agency [at a price not less than its prevailing market value; or

(c) Sell the confiscated instrument or weapon at a public auction to be held at least once in each year, after notice giving the place and time of the auction and describing the instruments or weapons to be sold is published once a week for 2 weeks immediately preceding the date of the auction in a newspaper of general circulation in the county or city.] ;

(c) Destroy or direct the destruction of the confiscated instrument or weapon if it is not otherwise required to be destroyed pursuant to subsection 5;

(d) Trade the confiscated instrument or weapon to a properly licensed retailer or wholesaler in exchange for equipment necessary for the performance of the agency's duties; or

(e) Donate the confiscated instrument or weapon to a museum, the Nevada National Guard or, if appropriate, to another person for use which furthers a charitable or public interest.

3. All proceeds of a sale ordered pursuant to subsection 2 by:

(a) The governing body of a county or city must be deposited with the county treasurer or the city treasurer and the county treasurer or the city treasurer shall credit the proceeds to the general fund of the county or city.

(b) A metropolitan police committee on fiscal affairs must be deposited in a fund which was created pursuant to NRS 280.220.

4. Any officer receiving an order [as provided in] *pursuant to* subsection 2 shall comply with the order as soon as practicable.

5. [The] *Except as otherwise provided in subsection 6, the* officer to whom a confiscated instrument or weapon is surrendered pursuant to subsection 1 shall:

(a) Except as otherwise provided in paragraph (c), destroy or direct to be destroyed any instrument or weapon which is determined to be dangerous to the safety of the public.

(b) Except as otherwise provided in paragraph (c), return any instrument or weapon, which has not been destroyed pursuant to paragraph (a):

(1) Upon demand, to the person from whom the instrument or weapon was confiscated if the person is acquitted of the public offense or crime of which he was charged; or

(2) To the legal owner of the instrument or weapon if the attorney general or the district attorney determines that the instrument or weapon was unlawfully acquired from the legal owner. If retention of the instrument or weapon is ordered or directed pursuant to paragraph (c), except as otherwise provided in paragraph (a), the instrument or weapon must be returned to the legal owner as soon as practicable after the order or direction is rescinded.

(c) Retain the confiscated instrument or weapon held by him pursuant to an order of a judge of a court of record or by direction of the attorney general or district attorney that the retention is necessary for purposes of evidence, until the order or direction is rescinded.

(d) Return any instrument or weapon which was stolen to its rightful owner, unless the return is otherwise prohibited by law.

6. Before any disposition pursuant to subsection 5, the officer who is in possession of the confiscated instrument or weapon shall submit a full description of the instrument or weapon to a laboratory which provides forensic services in this state. The director of the laboratory shall determine whether the instrument or weapon:

(a) Must be sent to the laboratory for examination as part of a criminal investigation; or

(b) Is a necessary addition to a referential collection maintained by the laboratory for purposes relating to law enforcement.

Sec. 25. Section 1 of Assembly Bill No. 297 of this session is hereby amended to read as follows:

Section 1. NRS 62.211 is hereby amended to read as follows:

62.211 1. Except as otherwise provided in NRS 62.212, if the court finds that a child is within the purview of this chapter it shall so decree and may:

(a) Place the child under supervision in his own home or in the custody of a suitable person elsewhere, upon such conditions as the court may determine. A program of supervision in the home may

include electronic surveillance of the child. The legislature declares that a program of supervision that includes electronic surveillance is intended as an alternative to commitment and not as an alternative to probation, informal supervision or a supervision and consent decree.

(b) Commit the child to the custody of a public or private institution or agency authorized to care for children, or place him in a home with a family. In committing a child to a private institution or agency the court shall select one that is required to be licensed by the department of human resources to care for such children, or, if the institution or agency is in another state, by the analogous department of that state. The court shall not commit a female child to a private institution without prior approval of the superintendent of the Caliente youth center, and shall not commit a male child to a private institution without prior approval of the superintendent of the Nevada youth training center.

(c) Order such medical, psychiatric, psychological or other care and treatment as the court deems to be for the best interests of the child, except as otherwise provided in this section.

(d) Order the parent, guardian, custodian or any other person to refrain from continuing the conduct which, in the opinion of the court, has caused or tended to cause the child to come within or remain under the provisions of this chapter.

(e) Place the child, when he is not in school, under the supervision of:

(1) A public organization to work on public projects;

(2) A public agency to work on projects to eradicate graffiti; or

(3) A private nonprofit organization to perform other public service.

The person under whose supervision the child is placed shall keep the child busy and well supervised and shall make such reports to the court as it may require. As a condition of such a placement, the court may require the child or his parent or guardian to deposit with the court a reasonable sum of money to pay for the cost of policies of insurance against liability for personal injury and damage to property or for industrial insurance, or both, during those periods in which he performs the work, unless, in the case of industrial insurance, it is provided by the organization or agency for which he performs the work.

(f) Permit the child to reside in a residence without the immediate supervision of an adult, or exempt the child from mandatory attendance at school so that the child may be employed full time, or both, if the child is at least 16 years of age, has demonstrated the capacity to benefit from this placement or exemption and is under the strict supervision of the juvenile division.

(g) Require the child to provide restitution to the victim of the crime which the child has committed.

(h) Impose a fine on the child. If a fine is imposed, the court shall impose an administrative assessment pursuant to NRS 62.223.

(i) If the child is less than 17 years of age, order the parent, guardian or custodian of the child, and any brothers, sisters or other persons

living in the same household as the child over whom the court has jurisdiction to attend or participate in counseling, alone or together with the child, including, but not limited to, counseling regarding parenting skills, alcohol or substance abuse or techniques of dispute resolution.

2. *If the court finds that a child who is less than 17 years of age has committed a delinquent act, the court may order the parent or guardian of the child to pay any fines and penalties imposed for the delinquent act. If the parent or guardian is unable to pay the fines and penalties imposed because of financial hardship, the court may require the parent or guardian to perform community service.*

3. If the court finds that the child is a serious or chronic offender, it may, in addition to the options set forth in [subsection] *subsections* 1 *and 2* of this section and NRS 62.213:

(a) Commit the child for confinement in a secure facility, including a facility which is secured by its staff.

(b) Impose any other punitive measures the court determines to be in the best interests of the public.

[3.] *4.* At any time, either on its own volition or for good cause shown, the court may terminate its jurisdiction concerning the child.

[4.] *5.* Whenever the court commits a child to any institution or agency pursuant to this section or NRS 62.213, it shall transmit a summary of its information concerning the child and order the administrator of the school that the child last attended to transmit a copy of the child's educational records to the institution or agency. The institution or agency shall give to the court any information concerning the child that the court may require.

[5.] *6.* In determining whether to place a child pursuant to this section in the custody of a person other than his parent, guardian or custodian, preference must be given to any person related within the third degree of consanguinity to the child whom the court finds suitable and able to provide proper care and guidance for the child.

Sec. 26. Sections 17 and 18 of Assembly Bill No. 374 of this session are hereby amended to read as follows:

Sec. 17. NRS 483.250 is hereby amended to read as follows:

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

1. To any person who is under the age of 16 years, except that the department may issue:

(a) A restricted license to a person between the ages of 14 and 16 years pursuant to the provisions of NRS 483.267 and 483.270.

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

(c) A restricted instruction permit to a person under the age of 16 years pursuant to the provisions of subsection 3 of NRS 483.280.

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

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

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

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

6. To any person when the administrator has good cause to believe that by reason of physical or mental disability that person would not be able to drive a motor vehicle with safety upon the highways.

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

8. To any child who is the subject of a court order issued pursuant to NRS 62.226 or section 2 of [this act] *Assembly Bill No. 393 of this session* which delays his privilege to drive.

9. To any person who is the subject of a court order issued pursuant to section 3 of this act which suspends or delays his privilege to drive until the expiration or the period of suspension or delay.

Sec. 18. NRS 483.460 is hereby amended to read as follows:

483.460 1. Except as otherwise provided by statute, the department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of NRS 484.3795 or subsection 2 of NRS 484.377 or homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance.

(2) A third or subsequent violation within 7 years of NRS 484.379.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the department under NRS 483.010 to 483.630, inclusive, or under any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484.379 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484.379.

2. The department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege.

3. When the department is notified by a court that a person who has been convicted of violating NRS 484.379 has been permitted to enter a program of treatment pursuant to NRS 484.3794 the department shall reduce by half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The department shall revoke the license, permit or privilege of a driver who is required to install a device pursuant to NRS 484.3943 but operates a motor vehicle without such a device:

(a) For 1 year if it is his first such offense during the period of required use of the device.

(b) For 5 years if it is his second such offense during the period of required use of the device.

5. When the department is notified that a court has [, pursuant] *:*

(a) Pursuant to NRS 62.226 or section 2 of [this act,] *Assembly Bill No. 393 of this session,* ordered the suspension or delay in issuance of a child's license [,] *; or*

(b) Pursuant to section 3 of this act, ordered the suspension or delay in issuance of a person's license,

the department shall take such actions as are necessary to carry out the court's order.

Sec. 27. The amendatory provisions of this act do not apply to offenses which are committed before July 1, 1995.''.

Assemblyman Anderson moved that the Assembly concur in the Senate amendments to Assembly Bill No. 393.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Batten moved that Senate Bill No. 231 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 134.

The following Senate amendment was read:

Amendment No. 982.

Amend section 1, page 1, line 15, by deleting "*third*" and inserting "*fourth*".

Amend section 1, page 2, by deleting line 6 and inserting: "*and mail the notice by overnight mail; and*".

Amend sec. 3, page 5, line 13, after "*Service*" by inserting: "*or by a private postal service*".

Amend sec. 3, page 5, line 14, by deleting "*and*" and inserting "*or*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 134.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 606.

The following Senate amendment was read:

Amendment No. 1286.

Amend section 1, page 1, line 5, by deleting: "*200.508 or subsection 3 of NRS 200.5099*" and inserting: "*200.508, subsection 3 of NRS 200.5099 or paragraph (a) of subsection 2 of NRS 200.575*".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 606.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 157, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Monaghan, Manendo and Schneider as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 157.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 703; Senate Bills Nos. 420, 491 be placed on the Second Reading File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 703.

Bill read second time.

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

Amendment No. 1323.

Amend the bill as a whole by deleting sections 1 through 4 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 266.095 is hereby amended to read as follows:

266.095 1. Each incorporated city of the first class must be divided into eight municipal wards. [Each incorporated city of the second class or third class] *If an incorporated city of the second or third class is divided into municipal wards, the city* must be divided into three or five municipal wards as provided by ordinance.

2. The division of cities into wards must, during the incorporation thereof, be made by the board of county commissioners. The wards must as nearly as practicable be of equal population and in compact form.

3. Once established, the boundaries of wards must be changed by ordinance of the city council whenever, as determined at the close of registration before each general election, the number of registered voters in any ward exceeds the number of registered voters in any other ward by more than 5 percent.

Sec. 2. NRS 266.215 is hereby amended to read as follows:

266.215 Councilmen [shall] *must* be:

1. Qualified electors within their respective cities and [shall have been actually] bona fide residents thereof for a period of at least 1 year next preceding their election.

2. [Qualified] *Except as otherwise provided in NRS 266.220, qualified* electors within their respective wards.

Sec. 3. NRS 266.220 is hereby amended to read as follows:

266.220 1. Except as otherwise provided in subsection 3, councilmen must be chosen by the qualified electors of their respective wards.

2. In cities of the first class, the city council must be composed of nine councilmen, one from each ward and one elected by the electors of the city at large. [In cities]

3. If pursuant to an ordinance, a city of the second or third class [,] *is:*

(a) Divided into wards, the city council must be composed of three or five councilmen [as the city council shall provide by ordinance, but there must be one councilman from each ward.

3. In cities of the second and third classes, the council may by ordinance provide that councilmen be voted upon by the electors of the city at large, but reside in the ward to be represented by them. If the council adopts such an ordinance, the ordinance may not be amended or repealed until at least two consecutive elections have been conducted pursuant to the ordinance.] *with one councilman from each ward who is elected only by the electors who reside in that ward.*

(b) Not divided into wards, the councilmen of the city must be elected by the voters of the city at large.

Sec. 4. NRS 293.640 is hereby amended to read as follows:

293.640 1. A general city election must be held in each city of the third class on the [1st] *first* Tuesday after the [1st] *first* Monday in June of the first odd-numbered year after incorporation, and on the same day every 2 years thereafter as determined by ordinance.

2. There must be one mayor and three or five councilmen, as the city council shall provide by ordinance, for each city of the third class. The terms of office of the mayor and the councilmen are 4 years, which terms must be staggered. The mayor and councilmen elected to office immediately after incorporation shall decide by lot among themselves which two of their offices expire at the next general city election, and thereafter the terms of office must be 4 years. If a city council thereafter increases the number of councilmen, it shall, by lot, stagger the initial terms of the additional members.

3. A candidate for any office to be voted for at the general city election must file an affidavit of candidacy with the city clerk not less than 30 nor more than 40 days before the day of the general city election. The city clerk shall charge and collect from the candidate and the candidate shall pay to the city clerk, at the time of filing the affidavit of candidacy, a filing fee in an amount fixed by the city council by ordinance.

4. Candidates for mayor must be voted upon by the electors of the city at large. Candidates for councilmen must be voted upon by the electors of their respective wards to represent the wards in which they reside [,] or by the electors of the city at large [to represent the wards in which they reside,] in accordance with the provisions of chapter 266 of NRS.".

Amend the title of the bill to read as follows:

"An Act relating to elections; authorizing a city of the second or third class to be organized without municipal wards; requiring that the councilmen of such a city be elected by the voters of the city at large; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions relating to organization of certain cities and election of officers thereof. (BDR 21-516)".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 420.

Bill read second time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1402.

Amend sec. 4, page 1, line 16, by deleting "*may*" and inserting "*shall*".

Amend sec. 4, pages 1 and 2, by deleting lines 18 through 21 on page 1 and lines 1 through 3 on page 2 and inserting: "*other means of sound or video reproduction.*".

Amend sec. 6, page 2, by deleting lines 40 through 46 and inserting: "*the handling of the ballots pursuant to subsection 5 if those members do not interfere with the handling of the ballots.*".

Amend the bill as a whole by deleting sections 7 and 8 and inserting:

"Secs. 7 and 8. (Deleted by amendment.)".

Amend sec. 9, page 4, by deleting line 19 and inserting: "set forth as sections 10, 11 and 11.5 of this act.".

Amend sec. 11, page 4, line 22, by deleting "*The*" and inserting "*1. The*".

Amend sec. 11, page 4, line 23, by deleting "*place. Any*" and inserting: "*place if those members do not interfere with the counting of the ballots.*".

Amend sec. 11, page 4, by deleting lines 24 through 30 and inserting:

"*2. The county or city clerk may photograph or record or cause to be photographed or recorded on audiotape or any other means of sound or video reproduction the counting of the ballots at the central counting place.*

3. A registered voter may submit a written request to the county or city clerk for any photograph or recording of the counting of the ballots prepared pursuant to subsection 2. The county or city clerk shall, upon receipt of the request, provide the photograph or recording to the registered voter at no charge.".

Amend the bill as a whole by adding a new section designated sec. 11.5, following sec. 11, to read as follows:

"Sec. 11.5 *1. The county clerk shall, not later than July 1 of each year in which a general election is held, submit to the secretary of state for his approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.*

2. The city clerk shall, not later than January 1 of each year in which a general city election is held, submit to the secretary of state for his approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of the ballots at a polling place, receiving center or central counting place.

3. Each plan must include:

(a) The location of the central counting place and of each polling place and receiving center;

(b) A procedure for the establishment of areas within each polling place and receiving center and the central counting place from which members of the general public may observe the activities set forth in subsections 1 and 2;

(c) The requirements concerning the conduct of the members of the general public who observe the activities set forth in subsections 1 and 2; and

(d) Any other provisions relating to the accommodation of members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate.".

Amend sec. 13, page 5, by deleting lines 4 through 10 and inserting: "*observe the handling of the ballots pursuant to subsection 1 if those members do not interfere with the handling of the ballots.*".

Amend the bill as a whole by deleting sec. 15 and inserting:

"Sec. 15. (Deleted by amendment.)".

Amend sec. 17, page 6, by deleting lines 8 through 13 and inserting: "being processed [.] *if those members do not interfere with the processing of the ballots.*".

Amend the title of the bill to read as follows:

"An Act relating to elections; requiring the containers used to transport official ballots to a central counting place to be made of metal or any other rigid material; requiring the county or city clerk to make a record of the receipt of each sealed container delivered to a central counting place; authorizing members of the general public to observe the conduct of voting and the counting and reporting of ballots; prohibiting members of the general public from photographing or recording the conduct of voting; providing immunity from civil liability for a person who signs a petition to recall a public officer; providing a penalty; and providing other matters properly relating thereto.".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 491.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1392.

Amend section 1, page 1, by deleting line 10 and inserting: "*(a) A member and any dependent of the member must be given the*".

Amend sec. 5, page 3, line 32, by deleting "*A new*" and inserting "*An*".

Amend the bill as a whole by deleting sec. 6.

Amend the title of the bill, second line, by deleting: "relating to insurance or construction;" and inserting "of insurance;".

Amend the summary of the bill to read as follows:

"Summary—Provides for binding arbitration of disputes arising under certain contracts of insurance. (BDR 57-1797)".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess until 3:30 p.m.

Assembly in recess at 2:28 p.m.

ASSEMBLY IN SESSION

At 4:06 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 479, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY SPITLER, *Chairman*

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 722.

The following Senate amendment was read:

Amendment No. 1341.

Amend sec. 2, page 3, by deleting lines 42 through 45 and inserting: "*provide a certified court reporter to take down in shorthand and transcribe all the matters of the proceeding. In such a case, the record prepared by sound recording is the official record of the proceedings, unless it fails or is incomplete because of equipment or operational failure, in which case the record prepared by the certified court reporter shall be deemed, for all purposes, the official record of the proceedings.*".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 722.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 132.

The following Senate amendment was read:

Amendment No. 1232.

Amend section 1, page 2, by deleting lines 21 and 22 and inserting: "*necessities which may not be lawfully obtained with coupons.*".

Assemblyman Anderson moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 132.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 643.

The following Senate amendment was read:

Amendment No. 1184.

Amend sec. 3, page 3, line 14, by deleting "[may] *shall*" and inserting "may".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 643.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 709.

The following Senate amendment was read:

Amendment No. 1361.

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

"Sec. 7. NRS 449.195 is hereby amended to read as follows:

449.195 A [hospital] *medical facility* shall not waive a deductible or copayment if:

1. The [hospital] *medical facility* is not a preferred provider of health care; and

2. The waiver would reduce the financial effect of a preferred provider's incentive or disincentive to its insureds.".

Amend sec. 8, page 3, line 14, by deleting "*1.*" and inserting:

"Chapter 652 of NRS is hereby amended by adding thereto a new section to read as follows:

1.".

Amend the bill as a whole by deleting sections 9 and 10 and renumbering sec. 11 as sec. 9.

Amend the title of the bill by deleting the third and fourth lines and inserting: "making a certain restriction concerning the waiver by a hospital of a deductible or copayment apply also to other medical facilities; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Specifies persons who may obtain results of laboratory tests and expands restriction concerning waiver of deductible or copayment to additional medical facilities. (BDR 40-1389)".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 709.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 330.

The following Senate amendment was read:

Amendment No. 1259.

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

"Section 1. NRS 449.243 is hereby amended to read as follows:

449.243 Every hospital licensed pursuant to the provisions of NRS 449.001 to 449.240, inclusive:

1. May, except as otherwise provided in subsection 2, utilize the Uniform Billing and Claims Forms established by the American Hospital Association.

2. Shall, except as otherwise provided in this [subsection,] *section,* on its billings to patients, itemize, on a daily basis, all charges for services, [equipment,] *and charges for equipment used and the* supplies and medicines [and describe those charges] *provided incident to the provision of those services* with specificity and in language that is understandable to an ordinary lay person. This itemized [billing] *list* must be timely provided after the patient is discharged at no additional cost.

3. [If the] *Except as otherwise provided in this subsection, if a* patient is charged a rate, pursuant to a contract or other agreement, that is different than the billed charges, the [bill may instead specify] *hospital shall provide to the patient either:*

(a) A copy of the billing prepared pursuant to subsection 2;

(b) A statement specifying the agreed rate for the services [, equipment, supplies and medicines.] *; or*

(c) If the patient is not obligated to pay any portion of the bill, a statement of the total charges.

In any case, the hospital shall include on the billing or statement any copayment or deductible for which the patient is responsible. The hospital shall answer any questions regarding the bill.

[3.] *4. If the hospital is paid by the insurer of a patient a rate that is based on the number of persons treated and not on the services actually rendered, the hospital shall, upon the discharge of the patient, advise the patient of the status of any copayment or deductible for which the patient is responsible.*

5. Shall prepare a summary of charges for common services for patients admitted to the hospital and make it available to the public.

6. Shall provide to any patient upon request a copy of the billing prepared pursuant to subsection 2.".

Amend the title of the bill, first line, after "care;" by inserting: "making various changes related to the billing provided to patients of hospitals;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes related to billing provided to patients of hospitals and extends date for prospective expiration of provisions that limit increase in charges that major hospitals may impose. (BDR 40-1763)".

Assemblyman Freeman moved that the Assembly concur in the Senate amendment to Assembly Bill No. 330.

Remarks by Assemblyman Freeman.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 50.

The following Senate amendment was read:

Amendment No. 1237.

Amend section 1, page 1, line 2, by deleting "2" and inserting "1.5".

Amend the bill as a whole by adding a new section designated sec. 1.5, following section 1, to read as follows:

"Sec. 1.5. *As used in sections 1.5 to 6, inclusive, of this act:*

1. "Local government" has the meaning ascribed to it in NRS 354.474.

2. "Medium-term obligation" includes an obligation created by a transaction described in NRS 350.800 if the obligation:

(a) Is required to be counted against any limit upon the debt of a local government; or

(b) Is not required to be counted against any limit upon the debt of a local government and:

(1) Exceeds $100,000 for a local government in a county whose population is 100,000 or more; or

(2) Exceeds $50,000 for a local government in a county whose population is less than 100,000.''.

Amend sec. 2, page 1, line 4, by deleting ''*municipality,*'' and inserting ''*local government,*''.

Amend sec. 3, page 1, line 18, by deleting ''*municipality,*'' and inserting ''*local government,*''.

Amend sec. 3, page 1, line 21, by deleting ''*municipality*'' and inserting ''*local government*''.

Amend sec. 3, page 1, line 22, by deleting ''*municipality*'' and inserting ''*local government*''.

Amend sec. 3, page 2, line 6, by deleting ''*municipality*'' and inserting ''*local government*''.

Amend sec. 4, page 2, line 8, by deleting ''*municipality*'' and inserting ''*local government*''.

Amend sec. 4, page 2, line 10, by deleting ''*notes*'' and inserting: ''*notes, leases, other evidence of a transaction described in NRS 350.800,*''.

Amend sec. 4, page 2, line 18, by deleting ''*municipality,*'' and inserting ''*local government,*''.

Amend sec. 5, page 2, by deleting line 26 and inserting: ''*the local government, the fiscal affairs of the local government can be carried on*''.

Amend sec. 5, page 2, line 29, by deleting ''*municipality,*'' and inserting ''*local government,*''.

Amend sec. 5, page 2, line 33, by deleting ''*municipality*'' and inserting ''*local government*''.

Amend sec. 6, page 2, line 45, by deleting ''*municipality*'' and inserting ''*local government*''.

Amend sec. 6, page 3, line 9, by deleting ''*municipality*'' and inserting ''*local government*''.

Amend sec. 6, page 3, by deleting line 11 and inserting: ''*service fund of that local government to the general fund of that local government after*''.

Amend sec. 7, page 3, line 16, by deleting: ''the general obligation bond'' and inserting: ''a debt management''.

Amend sec. 7, page 3, by deleting lines 20 through 22 and inserting: ''backed by the full faith and credit of a governmental entity. The term [:

(a) Includes:

(1) Debt] *includes debt* represented by local government securities issued pursuant to this chapter [; and

(2) Debt] *and debt* created for [short-term financing pursuant to NRS 354.430 to 354.460, inclusive, if the debt is payable from a special tax which is exempt from the limitation on taxes ad valorem pursuant to subsection 3 of NRS 354.430.

(b) Except as otherwise provided in subparagraph (2) of paragraph (a), does not include debt created for short-term financing pursuant to NRS 354.430 to''.

Amend sec. 7, page 3, line 25, after ''NRS'' by inserting ''354.59817,''.

Amend the bill as a whole by deleting sec. 8 and inserting:

"Sec. 8. (Deleted by amendment.)".

Amend sec. 9, page 4, line 24, after "determines" by inserting: ", by an affirmative vote of two-thirds of the members elected to the governing body,".

Amend sec. 9, page 4, line 32, after "municipality." by inserting: "Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection.".

Amend sec. 12, page 6, line 20, after "sive," by inserting: "and section 1 of [this act,] *Senate Bill No. 309 of this session,*".

Amend sec. 20, page 13, line 13, after "total" by inserting: "par value of the".

Amend sec. 20, page 13, line 23, after "total" by inserting: "par value of the".

Amend sec. 20, page 13, line 37, after "total" by inserting: "par value of the".

Amend the bill as a whole by renumbering sec. 30 as sec. 31 and adding a new section designated sec. 30, following sec. 29, to read as follows:

"Sec. 30. Sections 7, 9, 12 and 20 of this act become effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the bill, first line, by deleting "municipality" and inserting "local government".

Amend the summary of the bill, first line, by deleting "municipalities" and inserting "local governments".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 50.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 437.

The following Senate amendment was read:

Amendment No. 1363.

Amend sec. 7, page 5, line 5, by deleting: "pursuant to NRS 372.420 or 372.450".

Amend sec. 7, page 5, line 7, by deleting "tax".

Amend sec. 7, page 5, line 8, by deleting "tax".

Amend sec. 8, page 6, line 5, by deleting: "pursuant to NRS 374.425 or 374.455".

Amend sec. 8, page 6, line 7, by deleting "tax".

Amend sec. 8, page 6, line 8, by deleting "tax".

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

"Sec. 11. Sections 7 and 8 of this act become effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 437.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Senate Concurrent Resolution No. 60 be taken from the Chief Clerk's desk and placed on the Resolution File.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Concurrent Resolution No. 33 be placed on the Resolution File.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Concurrent Resolution No. 38 be placed on the Resolution File.

Motion carried.

Assemblyman Giunchigliani moved that Assembly Concurrent Resolution No. 49 be placed on the Resolution File.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 118.

The following Senate amendment was read:

Amendment No. 1253.

Amend section 1, page 1, line 3, by deleting "*The*" and inserting: "*Except as otherwise provided in this subsection, the*".

Amend section 1, page 1, line 7, after "*plates.*" by inserting: "*The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.*".

Amend the title of the bill to read as follows:

"An Act relating to motor vehicles; providing for the issuance of special license plates for the support of missing or exploited children under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides for issuance of special license plates for support of missing or exploited children under certain circumstances. (BDR 43-1232)".

Assemblyman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 118.

Remarks by Assemblyman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 153.

The following Senate amendment was read:

Amendment No. 1252.

Amend section 1, page 1, line 3, by deleting "*The*" and inserting: "*Except as otherwise provided in this subsection, the*".

Amend section 1, page 1, line 6, after "*appropriate.*" by inserting: "*The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.*".

Amend the title of the bill to read as follows:

"An Act relating to motor vehicles; providing for the issuance of special license plates which express support for the program for drug abuse resistance education under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides for issuance of special license plates which express support for program for drug abuse resistance education under certain circumstances. (BDR 43-503)".

Assemblyman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 153.

Remarks by Assemblyman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 258.

The following Senate amendment was read:

Amendment No. 1251.

Amend section 1, page 1, line 3, by deleting "*The*" and inserting: "*Except as otherwise provided in this subsection, the*".

Amend section 1, page 1, line 5, after "*plates.*" by inserting: "*The director shall not order the preparation of the special license plates unless he receives at least 250 applications for the issuance of those plates.*".

Amend the title of the bill to read as follows:

"An Act relating to motor vehicles; providing for the issuance of special license plates to retired members of the Armed Forces of the United States for the support of veterans' cemeteries in this state under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides for issuance of special license plates to retired military persons for support of veterans' cemeteries in Nevada under certain circumstances. (BDR 43-1060)".

Assemblyman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 258.

Remarks by Assemblyman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 352.

The following Senate amendment was read:

Amendment No. 1247.

Amend sec. 15, page 7, line 6, by deleting the comma and inserting: "for the first time,".

Amend the bill as a whole by adding a new section designated sec. 16, following sec. 15, to read as follows:

"Sec. 16. Section 15 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 352.

Remarks by Assemblyman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 452.

The following Senate amendment was read:

Amendment No. 1254.

Amend section 1, page 1, line 3, by deleting "*The*" and inserting: "*Except as otherwise provided in this subsection, the*".

Amend section 1, page 1, line 6, after "*appropriate.*" by inserting: "*The department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.*".

Amend the title of the bill to read as follows:

"An Act relating to motor vehicles; providing for the issuance of special license plates for the support of the education of children in the arts under certain circumstances; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides for issuance of special license plates for support of education of children in arts under certain circumstances. (BDR 43-1643)".

Assemblyman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 452.

Remarks by Assemblyman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 486.

The following Senate amendment was read:

Amendment No. 1123.

Amend sec. 5, page 2, line 24, after "rebuilt." by inserting: "*An owner who has determined that a vehicle is a total loss vehicle may sell the vehicle with the properly endorsed ownership certificate or other evidence of title to a salvage pool, automobile auction, rebuilder, automobile wrecker or a new or used motor vehicle dealer.*".

Amend sec. 7, page 3, line 1, by deleting "Only" and inserting "*1.* Only".

Amend sec. 7, page 3, line 5, by deleting "1." and inserting "[1.] *(a)*".

Amend sec. 7, page 3, line 6, by deleting "*(a)*" and inserting "*(1)*".

Amend sec. 7, page 3, by deleting lines 8 and 9 and inserting:

"*(2) If he is licensed or otherwise authorized to operate as an automobile wrecker in another state or foreign country, he presents evidence of that licensure or authorization and has registered with the operator pursuant to subsection 2; or*".

Amend sec. 7, page 3, line 10, by deleting "2." and inserting "[2.] *(b)*".

Amend sec. 7, page 3, line 11, by deleting "*(a)*" and inserting "*(1)*".

Amend sec. 7, page 3, by deleting lines 13 and 14 and inserting:

"*(2) If he is licensed or otherwise authorized to operate as a dealer of new or used motor vehicles or as a rebuilder in another state or foreign country, he presents evidence of that licensure or authorization and has registered with the operator pursuant to subsection 2.*".

Amend sec. 7, page 3, between lines 14 and 15, by inserting:

"2. *Any automobile wrecker, dealer of new or used motor vehicles or rebuilder who is licensed or otherwise authorized to operate in another state or foreign country shall register with each operator of a salvage pool with whom he bids to purchase vehicles, by filing with the operator copies of his license or other form of authorization from the other state or country, and his driver's license, business license, certificate evidencing the filing of a bond, resale certificate and proof of social security or tax identification number, if such documentation is required for licensure in the other state or country. Each operator of a salvage pool shall keep such copies at his place of business and in a manner so that they are easily accessible and open to inspection by employees of the department of motor vehicles and public safety and to officers of law enforcement agencies in this state.*".

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

"Sec. 9. This act becomes effective upon passage and approval.".

Amend the title of the bill, fifth line, after "state" by inserting "or country".

Assemblyman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 486.

Remarks by Assemblyman Chowning.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 625.

The following Senate amendment was read:

Amendment No. 1122.

Amend section 1, page 1, line 6, after "*action*" by inserting: "*pursuant to paragraph (b) of subsection 1 of NRS 4.370*".

Amend section 1, page 2, line 4, by deleting "*cost of*" and inserting: "*actual cost incurred in*".

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

"Sec. 2. NRS 487.038 is hereby amended to read as follows:

487.038 1. Except as otherwise provided in [subsection 3,] *subsections 3 and 4,* the owner or person in lawful possession of any real property may,

after giving notice [as provided in] *pursuant to* subsection 2, utilize the services of any tow car operator subject to the jurisdiction of the public service commission of Nevada to remove any vehicle parked in an unauthorized manner on that property to the nearest public garage or storage yard if:

(a) A sign is displayed in plain view on the property declaring public parking to be prohibited or restricted in a certain manner; and

(b) The sign shows the telephone number of the police department or sheriff's office.

2. Oral notice must be given to the police department or sheriff's office whichever is appropriate, indicating:

(a) The time the vehicle was removed;

(b) The location from which the vehicle was removed; and

(c) The location to which the vehicle was taken.

3. Any vehicle which is parked in a space designated for the handicapped and is not properly marked for such parking may be removed if notice is given to the police department or sheriff's office pursuant to subsection 2, whether or not a sign is displayed pursuant to subsection 1.

4. *The owner or person in lawful possession of residential real property upon which a single-family dwelling is located may, after giving notice pursuant to subsection 2, utilize the services of any tow car operator subject to the jurisdiction of the public service commission of Nevada to remove any vehicle parked in an unauthorized manner on that property to the nearest public garage or storage yard, whether or not a sign is displayed pursuant to subsection 1.*

5. All costs incurred, under the provisions of this section, for towing and storage must be borne by the owner of the vehicle, as that term is defined in NRS 484.091.

[5.] *6.* The provisions of this section do not limit or affect any rights or remedies which the owner or person in lawful possession of [such] real property may have by virtue of other provisions of the law authorizing the removal of a vehicle parked on [such] *that* property.''.

Amend sec. 2, page 2, line 8, by deleting: ''section 1 of''.

Amend the title of the bill, fifth line, after ''vehicle;'' by inserting: ''authorizing the owner or person in lawful possession of residential real property to remove vehicles from that property without posting a sign prohibiting public parking, under certain circumstances;''.

Assemblyman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 625.

Remarks by Assemblyman Chowning.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Marvel moved that Assembly Bill No. 398 be taken from the Chief Clerk's desk and re-referred to the Committee on Ways and Means File.

Remarks by Assemblyman Marvel.

Motion carried.

Assemblyman Segerblom moved that Senate Joint Resolution No. 26 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Perkins moved that the vote whereby Senate Bill No. 161 was passed be rescinded.

Motion carried.

Assemblyman Perkins moved that the vote whereby Senate Bill No. 433 was passed be rescinded.

Motion carried.

Assemblyman Perkins moved that the vote whereby Senate Bill No. 456 was passed be rescinded.

Motion carried.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 70, 84, 300, 403, 541, 565 declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Senate Concurrent Resolution No. 60.

Assemblyman Ohrenschall moved the adoption of the resolution.

Remarks by Assemblymen Ohrenschall, Segerblom and Giunchigliani.

Resolution adopted.

Assembly Concurrent Resolution No. 33.

Resolution read.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1390.

Amend the resolution, page 2, by deleting lines 7 through 11 and inserting:

"1. An evaluation of the current division of responsibility between the state and the counties and cities for the delivery of services and programs and a determination of the current assignment of fiscal responsibility for those services and programs.

2. The development of a comprehensive plan and recommendations identifying:

(a) The governmental unit which is best suited to provide the most efficient and responsive delivery and administration of the service or program;

(b) The assignment of fiscal responsibility which recognizes the goal of cost efficiency and includes shared fiscal responsibility, if appropriate; and

(c) A proposed schedule for carrying out any recommendations which change the delegation of delivery of or fiscal responsibility for a service or program;".

Amend the preamble of the resolution, page 1, by deleting lines 18 and 19 and inserting: "protection provided by police and fire services, provision of health care services,".

Amend the preamble of the resolution, page 1, by deleting line 26 and inserting: "mental entity should be responsible for the delivery of the various programs".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Assembly Concurrent Resolution No. 38.

Resolution read.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1420.

Amend the resolution, page 2, line 14, after "directed" by inserting: "to appoint an interim committee composed of two members of the Senate and two members of the Assembly".

Amend the resolution, page 2, between lines 17 and 18, by inserting:

"RESOLVED, That the Legislative Commission is hereby directed to appoint to the committee the following nonvoting members to assist the committee in an advisory capacity:

1. One member who is a nonprofit developer of housing;
2. One member who represents local government;
3. One member who represents a housing association;
4. One member who represents a program for affordable housing;
5. One member who represents an organization which provides legal services to persons of low income;
6. One member who is a private developer of housing with experience in the development of affordable housing; and
7. One member with experience in the development of housing in rural communities;

and be it further

RESOLVED, That the Legislative Commission may appoint to the committee the following nonvoting members to assist the committee in an advisory capacity:

1. One member who represents financial institutions;
2. One member who is a realtor;
3. One member who represents a low-income housing program sponsored by the Federal Government;
4. One member who lives on a fixed income; and

5. One member who represents the Housing Division of the Department of Business and Industry;
and be it further".

Amend the resolution, page 2, line 30, by deleting "and".

Amend the resolution, page 2, by deleting lines 31 through 33 and inserting:

"6. The administration of money for affordable housing, including, without limitation:

(a) The feasibility of creating a public or private agency for financing low-income housing; and

(b) Methods to increase the involvement of private financing and funding for low-income housing;

7. The qualifications and experience required of a director and other personnel of a housing agency; and

8. The responsiveness and the timeliness of the response of the Housing Division of the Department of Business and Industry to all persons who use its services;
and be it further

RESOLVED, That the members of the committee who are not legislators shall serve without salary, per diem allowance or reimbursement for travel expenses; and be it further".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted and engrossed.

Assembly Concurrent Resolution No. 49.

Resolution read.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1388.

Amend the resolution, page 2, line 21, by deleting "and".

Amend the resolution, page 2, line 22, after "customers;" by inserting: "and

(h) Issues concerning the use and protection of proprietary information in a competitive market;".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Resolution ordered reprinted and engrossed.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 84 be taken from the General File and re-referred to the Committee on Ways and Means.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 341, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

WILLIAM Z. HARRINGTON, *Chairman*

Mr. Speaker:

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

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Government Affairs, to which was referred Assembly Bill No. 487, has had the same under consideration, and begs leave to report the same back without recommendation.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 487, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

MORSE ARBERRY, JR., *Chairman*

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 4:45 p.m.

ASSEMBLY IN SESSION

At 6:23 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which were referred Senate Bills Nos. 312, 573, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

BERNARD J. ANDERSON, JR., *Chairman*

GENERAL FILE AND THIRD READING

Senate Bill No. 96.

Bill read third time.

Remarks by Assemblymen Ernaut, Bache and Carpenter.

Roll call on Senate Bill No. 96:

YEAS—40.

NAYS—Bache, Giunchigliani—2.

Senate Bill No. 96 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 129.

Bill read third time.

Remarks by Assemblyman Monaghan.

Roll call on Senate Bill No. 129:

YEAS—42.

NAYS—None.

Senate Bill No. 129 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Arberry moved that Senate Bill No. 464 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Chowning moved that Senate Bill No. 322 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 133.

Bill read third time.

Remarks by Assemblymen Chowning, Ernaut, Batten, Neighbors, and Price.

Assemblymen Perkins, Arberry and Williams moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 133.

Roll call on Senate Bill No. 133:

YEAS—36.

NAYS—Batten, Bennett, de Braga, Evans, Freeman, Giunchigliani—6.

Senate Bill No. 133 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 214.

Bill read third time.

Remarks by Assemblymen Evans and Goldwater.

Conflict of interest declared by Assemblyman Goldwater.

Roll call on Senate Bill No. 214:

YEAS—39.

NAYS—None.

Not voting—Goldwater, Harrington, Krenzer—3.

Senate Bill No. 214 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 443, 538 be placed at the top of the General File.

Motion carried.

Assemblyman Perkins moved that all rules be suspended and that Assembly Bills Nos. 113, 224, 270, 458, 703 be declared an emergency measures under the Constitution and placed at the top of third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 113.

Bill read third time.

Remarks by Assemblymen Hettrick, Bache, Fettic, Schneider, Giunchigliani and Ernaut.

Roll call on Assembly Bill No. 113:

YEAS—33.

NAYS—Bache, Brower, Buckley, Giunchigliani, Harrington, Krenzer, Ohrenschall, Schneider, Spitler—9.

Assembly Bill No. 113 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 224.

Bill read third time.

Remarks by Assemblymen Marvel, Freeman, Anderson, Bache, Harrington and Goldwater.

Potential conflicts of interest declared by Assemblymen Giunchigliani, Anderson, Bache and Williams.

Roll call on Assembly Bill No. 224:

YEAS—42.

NAYS—None.

Assembly Bill No. 224 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 270.

Bill read third time.

Remarks by Assemblymen Arberry, Fettic, Spitler, Bache and Chowning.

Roll call on Assembly Bill No. 270:

YEAS—37.

NAYS—Freeman, Giunchigliani, Harrington, Lambert, Monaghan—5.

Assembly Bill No. 270 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 458.

Bill read third time.

Remarks by Assemblymen de Braga and Freeman.

Roll call on Assembly Bill No. 458:

YEAS—37.

NAYS—Close, Giunchigliani, Spitler, Stroth, Tiffany—5.

Assembly Bill No. 458 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 703.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Assembly Bill No. 703:

YEAS—42.

NAYS—None.

Assembly Bill No. 703 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 443.

Bill read third time.

Remarks by Assemblymen Williams, Anderson, Perkins and Fettic.

Roll call on Assembly Bill No. 443:

YEAS—42.

NAYS—None.

Assembly Bill No. 443 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 538.

Bill read third time.

Remarks by Assemblyman Giunchigliani.

Roll call on Assembly Bill No. 538:

YEAS—42.

NAYS—None.

Assembly Bill No. 538 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Assembly Bill No. 729 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 729.

Bill read third time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1447.

Amend sec. 7, page 4, line 34, by deleting "quarterly" and inserting "annually".

Amend sec. 7, page 5, by deleting lines 1 through 3.

Amend sec. 7, page 5, line 4, by deleting "4." and inserting "3.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 389.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Tiffany.

Roll call on Senate Bill No. 389:

YEAS—41.

NAYS—Bennett.

Senate Bill No. 389 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 390.

Bill read third time.

Remarks by Assemblymen Steel, Chowning, Humke and Price.

Roll call on Senate Bill No. 390:

YEAS—42.

NAYS—None.

Senate Bill No. 390 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended and that Assembly Bills Nos. 113, 224, 270, 443, 458, 538, 703 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 414.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Senate Bill No. 414:
YEAS—41.
NAYS—Steel.

Senate Bill No. 414 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 448.
Bill read third time.
Remarks by Assemblyman Tiffany.
Roll call on Senate Bill No. 448:
YEAS—42.
NAYS—None.

Senate Bill No. 448 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 463.
Bill read third time.
Remarks by Assemblyman Monaghan.
Roll call on Senate Bill No. 463:
YEAS—42.
NAYS—None.

Senate Bill No. 463 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 506.
Bill read third time.
Remarks by Assemblymen Spitler and Steel.
Roll call on Senate Bill No. 506:
YEAS—38.
NAYS—Harrington, Lambert, Price, Steel—4.

Senate Bill No. 506 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Senate Bill No. 517.
Bill read third time.
Remarks by Assemblyman Arberry.
Roll call on Senate Bill No. 517:
YEAS—42.
NAYS—None.

Senate Bill No. 517 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 531.

Bill read third time.

Remarks by Assemblyman Manendo.

Potential conflict of interest declared by Assemblyman Braunlin.

Roll call on Senate Bill No. 531:

YEAS—41.

NAYS—None.

Not voting—Harrington.

Senate Bill No. 531 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 231.

Bill read third time.

The following amendment was proposed by Assemblyman Batten:

Amendment No. 1414.

Amend section 1, page 2, line 21, by deleting "*public.*" and inserting: "*public if, after communicating with the owner or operator of the vehicle, the peace officer issuing the citation determines that:*

(a) The owner of the vehicle is a resident of this state; or

(b) The vehicle is used in this state for a gainful purpose.".

Assemblyman Batten moved the adoption of the amendment.

Remarks by Assemblyman Batten.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 70.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Senate Bill No. 70:

YEAS—42.

NAYS—None.

Senate Bill No. 70 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 300.

Bill read third time.

Remarks by Assemblymen Schneider, Buckley and Price.

Assemblyman Price moved that Senate Bill No. 300 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Price.

Motion carried.

Senate Bill No. 403.

Bill read third time.

Remarks by Assemblymen Fettic and Chowning.

Potential conflicts of interest declared by Assemblymen Fettic, Chowning, Price and Carpenter.

Roll call on Senate Bill No. 403:

YEAS—41.

NAYS—None.

Not voting—Carpenter.

Senate Bill No. 403 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Tiffany moved that Senate Bill No. 300 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 300.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Senate Bill No. 300:

YEAS—18.

NAYS—Allard, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Close, de Braga, Evans, Fettic, Freeman, Goldwater, Lambert, Manendo, Marvel, Nolan, Sandoval, Segerblom, Steel, Tripple, Williams—23.

Not voting—Krenzer.

Senate Bill No. 300 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Bill ordered transmitted to the Senate.

Senate Bill No. 541.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Senate Bill No. 541:

YEAS—42.

NAYS—None.

Senate Bill No. 541 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 565.

Bill read third time.

Remarks by Assemblymen Carpenter, Giunchigliani and Lambert.

Roll call on Senate Bill No. 565:

YEAS—33.

NAYS—Braunlin, Close, Giunchigliani, Harrington, Lambert, Spitler, Steel, Tiffany, Mr. Speaker Hettrick—9.

Senate Bill No. 565 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 243.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Senate Bill No. 243:

YEAS—42.

NAYS—None.

Senate Bill No. 243 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 246.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Senate Bill No. 246:

YEAS—42.

NAYS—None.

Senate Bill No. 246 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assemblyman Batten moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 8 p.m.

ASSEMBLY IN SESSION

At 8:25 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 341 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that Senate Bills Nos. 161, 322, 392, 433, 456, 464, 485, 516, 557; Senate Joint Resolution No. 26, be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 702, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 29, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Concurrent Resolution No. 14 and requests a conference, and appointed Senator Lowden, Coffin and Augustine as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bills Nos. 577, 579.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 274, 388, 471, 542, 568.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 72, 283, 314, 371.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 85, 171, 344.

Also, I have the honor to inform your honorable body that the Senate on this day receded from its action on Assembly Concurrent Resolution No. 42.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 274.

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

Motion carried.

Senate Bill No. 388.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 471.

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

Motion carried.

Senate Bill No. 542.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 568.

Assemblyman Perkins moved that the bill be referred to the Committee on Government Affairs.

Motion carried.

Senate Bill No. 577.

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

Motion carried.

Senate Bill No. 579.

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

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 341.

Bill read second time.

The following amendment was proposed by the Committee on Education:

Amendment No. 1452.

Amend sec. 2, page 1, line 4, by deleting: "*as part of any school*" and inserting: "*to a pupil*".

Amend sec. 2, page 1, by deleting line 5 and inserting: "*any survey, analysis or evaluation that is not directly related to academic instruction which reveals the follow-*".

Amend sec. 2, page 1, line 6, by deleting "*a*" and inserting "*the*".

Amend sec. 2, page 2, by deleting lines 21 through 23.

Amend sec. 2, page 2, line 24, by deleting "*6.*" and inserting "*5.*".

Amend sec. 2, page 2, line 34, by deleting "*7.* and inserting "*6.*".

Amend sec. 2, page 2, line 38, after "*action for*" by inserting "*willful*".

Amend sec. 2, page 2, between lines 39 and 40 by inserting:

"*7. This section does not:*

(a) Apply to the spontaneous expression of sentiments or opinions by a pupil;

(b) Apply to the voluntary disclosure and discussion of information between a pupil and a licensed school counselor; or

(c) Affect or impair any investigation by a law enforcement agency or a legally authorized agency which provides protective services for children.".

Amend sec. 3, page 2, by deleting line 40 and inserting:

"Sec. 3. *1. Except for communications between a pupil and a licensed counselor or a licensed teacher which would be privileged pursuant to NRS 49.290 or 49.291, a school district shall, upon the request of a parent or legal*".

Amend sec. 3, page 2, between lines 42 and 43 by inserting:

"*2. This section does not affect or impair any investigation by a law enforcement agency or a legally authorized agency which provides protective services for children.*".

Amend the title of the bill, fourth line, by deleting "all" and inserting "certain".

Assemblyman Harrington moved the adoption of the amendment.

Remarks by Assemblyman Harrington.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that the vote whereby Senate Bill No. 300 was lost be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 300.

Bill read third time.

Remarks by Assemblymen Hettrick and Goldwater.

Roll call on Senate Bill No. 300:

YEAS—37.

NAYS—Buckley, Goldwater, Steel, Williams—4.

Not voting—Krenzer.

Senate Bill No. 300 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 160, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 16, which is attached to and hereby made a part of this report.

JOHN C. CARPENTER
MARCIA DE BRAGA
BRIAN E. SANDOVAL
Assembly Committee on Conference

MIKE MCGINNESS
LAWRENCE E. JACOBSEN
ERNEST E. ADLER
Senate Committee on Conference

Conference Amendment No. 16.

Amend section 1, page 1, line 12, by deleting "*33* percent" and inserting: "*37.5* percent , *rounded to the nearest whole number,*".

Assemblyman Carpenter moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 160.

Remarks by Assemblyman Carpenter.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 367, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be receded from.

JOAN A. LAMBERT
BARBARA E. BUCKLEY
JAN F. MONAGHAN
Assembly Committee on Conference

MIKE MCGINNESS
JON C. PORTER
RAYMOND D. RAWSON
Senate Committee on Conference

Assemblyman Lambert moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 367.

Remarks by Assemblyman Lambert.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 582.

The following Senate amendment was read:

Amendment No. 1248.

Amend section 1, page 1, by deleting line 7 and inserting:

"2. "Governmental agency" means the commission on tourism and a governmental entity in a county whose population is 100,000 or more that has as a".

Amend sec. 2, page 2, line 11, by deleting "*government*" and inserting "*governmental*".

Amend sec. 2, page 2, by deleting line 14 and inserting: "*state, except where the use is directly connected with commercial sponsorship.*".

Amend sec. 2, page 2, after line 17, by inserting:

"*3. If a governmental agency intends to have photographs taken at a public event for use pursuant to paragraph (g) of subsection 2, the governmental agency shall, if practicable, announce or otherwise inform the public, or request the sponsor of the event to announce or otherwise inform the public, that photographs may be taken that can be used in materials for the promotion of travel and tourism in this state without permission from the person photographed.*".

Amend the title of the bill, first line, by deleting: "a governmental agency" and inserting: "certain governmental agencies".

Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 582.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Harrington, Segerblom and Tripple as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Concurrent Resolution No. 14.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 130, 317, 385, 624; Assembly Joint Resolutions Nos. 33, 38; Assembly Concurrent Resolution No. 7; Senate Bills Nos. 18, 36, 78, 126, 144, 154, 198, 217, 226, 308, 311, 347, 362, 374, 393, 394, 401, 416, 434, 443, 446, 454, 455, 467, 470, 477, 539, 543, 549, 561, 572; Senate Concurrent Resolution No. 61.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Allard, the privilege of the floor of the Assembly Chamber for this day was extended to Vikki A. High and Ashley A. High.

On request of Assemblyman Lambert, the privilege of the floor of the Assembly Chamber for this day was extended to Joanne Bond.

Assemblyman Perkins moved that the Assembly adjourn until Friday, June 30, 1995 at 10:30 a.m.

Motion carried.

Assembly adjourned at 8:41 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-SIXTH DAY

CARSON CITY (Friday), June 30, 1995

Assembly called to order at 11:42 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Bruce Henderson.

Almighty God, Solomon penned the words in about 975 B.C., and the Byrds sang them in the 1960s, "To everything there is a season and a time for every purpose under Heaven." When, O Lord, will the season for adjournment come? I heard someone say, "If sine don't die soon, all of us will!"

Father, we pray for the strength, wisdom and humor to accomplish the task at hand. May we always be able to look back on this experience and be grateful that we were able to serve the people of Nevada.

And, Father, we thank You for the new Mr. Sandoval. In the Name of our Lord.

Amen.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 733, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 542, 568, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 560, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 148, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 471, 576, 577, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 631, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 331, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 388, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 29, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 459.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 255, 377, 548, 646, 650, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 57, 386, 474, 519.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bills Nos. 338, 526.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams:

Assembly Concurrent Resolution No. 52—Commending the Chief and staff of the State Printing and Micrographics Division of the Department of Administration for services rendered to the Nevada Legislature.

WHEREAS, The 68th session of the Nevada Legislature created an overwhelming number of bills and amendments during this legislative session, requiring the Chief and staff of the State Printing and Micrographics Division of the Department of Administration to work long hours in meeting the needs of the Legislature; and

WHEREAS, The work produced by the Division met the high standards of previous years because of the care that the Chief and his excellent staff devoted to every assignment given to them; and

WHEREAS, In the absence of such outstanding service, the Legislature could not function or fulfill its obligations to the people of this state; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 68th session of the Nevada Legislature hereby express their appreciation and commend the Chief and members of the staff of the State Printing and Micrographics Division of the Department of Administration for their fine work; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Mr. Donald L. Bailey, Sr., the Chief of the State Printing and Micrographics Division of the Department of Administration.

Assemblyman Price moved the adoption of the resolution.

Remarks by Assemblymen Price, Humke, Evans, Anderson, Brower and Mr. Speaker Hettrick.

Assemblyman Bache requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. It is with great pleasure that I speak in favor of Assembly Concurrent Resolution No. 52. There are no people more important to the operation of our legislative session than the people working in the print shop and their Director Don Bailey.

They work, virtually, day and night on our behalf. We are one of the few legislatures, constitutionally, required to have the final printed product of what we are voting on. We are at the point where they are sending us over loose leaf papers and that is a very good idea. In my opinion, our operation is made possible by Don's office and his employees' hard work. They do not have a life of their own when the legislature is in session.

I might add, they are only across the street. It would be interesting for any one of our members, who has never been there to walk across the street and visit their operation. They are always very glad to have us over there, to see what they are doing and to learn about their operation.

How many years, Don, have you been our State Printer or can you tell? Don has been our State Printer for 21 years. He has always been fine to work with. He is also interested in Nevada history.

A few years ago, Don purchased the old hospital in Virginia City and started Saint Mary's Art Center. He has done his part in preserving our history. It is with great pleasure that I speak on behalf of Assembly Concurrent Resolution No. 52.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. It is my pleasure to rise in support of this resolution. It has also been my pleasure to represent Mr. Bailey who has been my constituent for a number of years. I would echo the remarks of the Chairman of Taxation as to the extremely high quality of the printing services that the State Printing Office does offer to this legislature and to the entire state government. It is a unique office.

They are always happy to see you. When I did my first session here, I didn't have much to do toward the end of the session, so I went over there about midnight one night, and received a full tour of the operation. Their office is open to any of you.

With the Speaker's permission or the Floor Leader's permission, I would say that any of you, late tonight or late tomorrow night, might want to go over to the State Printer's Office and tour the office on one of our one-minute to 30-minute recesses. It is truly amazing to see the work that they do over there. The quality is supreme and this resolution is very much deserved.

ASSEMBLYMAN EVANS:

I, too, rise in support of Assembly Concurrent Resolution No. 52. I am happy to

commend Mr. Bailey and his outstanding crew. We have talked about the timeliness and how quickly they turn around information for us, but I think we also have to talk about how error free that product is.

How many times do we see errors in bills? I can recall only one instance this session that was brought to my attention. I think it happened in the Elections and Procedures Committee. It was very minor and most of us did not catch it. It is not only the speed, but it is the excellent quality of their work. They print not only for us, but for all of the state agencies.

If you follow Mr. Bailey in his automobile, you will see his license plate reads "Print 1." I would have to say it is certainly appropriate because he is "Number One." Thank you.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I also rise in support of Assembly Concurrent Resolution No. 52. I have had the opportunity to visit the print shop and see Don's staff. It is, in fact, the oldest union in the State of Nevada. The print shop is the very first union in this state. They have hanging on their wall the original document that brought it into existence. Don's staff and their efforts, I think, speak well for all of the employees of this state. Particularly, that department as it relates to our job and makes it very, very easy.

I would also encourage all of you to visit them. They really do feel unappreciated. Although, it is nice to see this resolution. They are the kind of people who are very proud of their craft and take personal pride in making all of us look good. It only takes a moment to go over there and simply say one kind word. Thank you, Mr. Bailey. Thank you, very much for the job you do.

ASSEMBLYMAN BROWER:

Thank you, Mr. Speaker. I think I need to disclose that I own a printing company, but I don't think voting on this resolution will affect me any differently than anyone else.

I would like to rise in support of this resolution. Probably, no one in this body knows more about deadlines and pressures that you have in getting things back to this building on time, than me. I can tell you that I truly appreciate them. I hope you have a nice rest when this is over.

SPEAKER HETTRICK:

I would say that one of the things that always impresses people when they come here to visit is when they sit down and look at these bill books piled up on our desks. If you tell them that they are printed overnight and they are back in our books the next morning reprinted, they are amazed. When they look at the number of bills we process and the number that they must print, it truly is an awesome task that they do.

I also think they are not appreciated enough. The kind of work they do is taken for granted. It is done and here in the morning, and we just take it for granted. It is truly a privilege to thank you and your staff for a job well done. We could not do it without you.

MR. DON BAILEY:

Thank you, Mr. Speaker. I would like to thank all of you on behalf of the Nevada State Printing Office for this recognition, and for the recognition you have given us in the past.

Believe me, we know how hard you are working as well as us. We appreciate everything that you are doing, and what we do is serve. The recognition is there. We understand that you are busy. We appreciate, today when you are trying to go home, this recognition.

I speak for my entire staff. They are a great group of people to work with. They are extremely hard working, and like Mr. Anderson pointed out, it is the oldest union in the state. We would encourage you, if you would, to take some time, either after the session or any time you are in the city, to come see us. We would like you to see the facility that you support so graciously. Again, I want to thank you for all the people who work for the printing office, because they are the people who make me look good. It is because of them that I stand here and receive this resolution. I thank you on their behalf and their families' behalf.

Resolution adopted unanimously.

By Assemblymen Allard, Anderson, Arberry, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, Close, de Braga, Dini, Ernaut, Evans, Fettic, Freeman, Giunchigliani, Goldwater, Harrington, Hettrick, Humke, Krenzer, Lambert, Manendo, Marvel, Monaghan, Neighbors, Nolan, Ohrenschall, Perkins, Price, Sandoval, Schneider, Segerblom, Spitler, Steel, Stroth, Tiffany, Tripple and Williams:

Assembly Resolution No. 15—Expressing appreciation to the Chief Clerk and the staff of the front desk of the Assembly for their dedication and outstanding performance.

WHEREAS, The exceptional abilities of the Chief Clerk and her staff on the front desk of the Assembly have contributed immensely to the speed and efficiency of the legislative process during the 68th session of the Nevada Legislature; and

WHEREAS, The demands placed on the front desk have required the Chief Clerk and her staff to work long hours to complete their work in a timely manner; and

WHEREAS, Such cooperation and dedication is admired and greatly appreciated by the members of the Assembly; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 68th session of the Nevada Legislature do hereby express their appreciation and commend Chief Clerk Mouryne Landing and the staff of the front desk of the Assembly which includes Carol Moore, Assistant Chief Clerk, Lucinda Benjamin, History Clerk, Linda Alden, Journal Clerk, and Donna Schumacher, Minute Clerk, for their outstanding performance, professional demeanor and contributions made, to ensure a successful and orderly Legislative session; and be it further

RESOLVED, That the Legislative Counsel prepare and transmit a copy of this resolution to the Chief Clerk of the Assembly and each member of the staff of the front desk of the Assembly of the Nevada Legislature.

Assemblyman Close moved the adoption of the resolution.

Remarks by Assemblymen Close, Ernaut, Mr. Speaker Hettrick, Anderson, Lambert, Humke, Evans, Marvel, Chowning, Price, Perkins, Carpenter, Dini and Giunchigliani.

Assemblyman Allard requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker. I could go on for a long time to discuss the merits of Assembly Resolution No. 15. I am sure today that we will have many who will rise in support of this resolution.

When we, the Elections and Procedures Committee, looked at resolutions, we put this at the top of our list. We felt that we, as a body, could not do what we do without the ladies in the front. I am sure that it was difficult for Mouryne to have to read the resolution for herself. I wish I could have read it for her. I think it is a true tribute to the work and efforts of the ladies of the Assembly and for what they have done for us.

This is my first time in the legislature, but I have sat behind the bar on many occasions and observed the workings of the ladies in the front, and the Speakers. I am proud to be able to say that I have had the opportunity to work with these lovely ladies, and I'm sure that speaking from my perspective, there isn't a finer group of ladies who work in this endeavor throughout the entire United States and I would urge your support.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I obviously rise in support of Assembly Resolution No. 15. The ladies of the front desk are obviously the chiefs and we are the Indians. We could not do what we do without them.

I can tell you from my colleague, Democratic Floor Leader and myself, they keep us from looking like fools, many times. In that vein, I would like to single out Carol Moore. Carol is our surrogate mother. She tells us when to make the motions; how to make the motions; when you've made the wrong motion; how to rescind the wrong motion and how to fix it. She's always been there for us, gotten after us when we were lax and procrastinating.

I think the whole front desk is tremendous. They do a tremendous job. Many of you never see the jobs they do after we leave. They're usually here four, five and six hours after we are home or out having fun with our friends. I think that these ladies deserve not only our gratitude, but a warm round of applause.

I just want to say to Carol that all of the cookies you have left at my desk did not in any way influence my speech today.

ASSEMBLYMAN HETTRICK:

I would just like to point out in regard to Mr. Ernaut's remarks, that these ladies quit last night sometime after 2 a.m. and were back here this morning ready to go to work, bright, cheery and smiling, which we all appreciate. I didn't say they liked it, I said bright, cheery and smiling!

ASSEMBLYMAN ANDERSON:

I wish to speak, obviously, in support of this resolution. I don't think that what we say about the ladies at the front desk will ever be adequate to express the warmth that they radiate on a day-to-day basis.

No matter what happens here, their sense of humor and ability to laugh at my dumb jokes is absolutely appreciated. I feel a personal debt of gratitude to them because they put up with my silliness. I know that when I run my dumb train it probably comes over a little loud on the speaker, and when they have to listen to those remarks at length and put them into the record, they get tired of it. I think they do a remarkable job and each plays a vital role. I love them greatly.

ASSEMBLYMAN LAMBERT:

Thank you, Mr. Speaker. I rise in support of the resolution. I don't think there are enough good things that we can say about the front desk. They make us look good. When a member forgets to ask for Order of Business No. 8 before making a motion, in the Journal it is always under Order of Business No. 8.

All of the things that we forget in our enthusiasm or disgust, always comes across on the record as a professional document because the ladies that do it are very, very professional. I consider that the highest compliment that I can pay anyone. You definitely have all earned it and we thank you, very much.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I would like to ratify all of the previous remarks as if they were made by myself because I agree with them totally.

I see Mrs. Landing up there. She has raised me in this process from a pup. Now, I am just an older pup, still being raised in the legislative process. I don't mind very well, but that is beside the point, she is still trying.

I would like to refer back to an expression I used to hear in the midwest. That is, when people would talk about someone else, it was usually considered the highest compliment to pay that person and it is that the person is always the same no matter what happens. They don't act like politicians. They don't slap people on the back and tell them what a great person they are, and the moment their back is turned, tell the next person what a jerk that person is. These ladies are always the same, whether it is 6 a.m., 2 a.m. or 6 p.m.

I think all of you have had a chance to see them in some of the more stressful situations, and they are unflappable. They are always kind and gentle. And, as previously spoken, always accurate and thorough. This is a much deserved resolution. Thank you.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I am delighted to rise in support of Assembly Resolution No. 15. I would like to echo the sentiments of my colleague from Assembly District No. 29, because that is what, indeed, the front desk does. They always make us look good. No

matter how we screw things up, it always comes out looking wonderful. And, on the subject of looking wonderful—these long days when we come in, like something the cat dragged in—I want you to know I absolutely resent the fact that you always look so fabulous!

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I would be remiss if I didn't say something in support of this resolution because I am the oldest living Republican in age and service in this body. I think that I could bet my last dollar that we have the finest front desk in the United States of America. You ladies are just amazing. You are always so gracious to each and every one of us. Even after nine sessions, you are still teaching me every day. What I think is most remarkable is how you can keep *two* Speakers so well organized. Thank you, again from the bottom of my heart, ladies, for the tremendous job that you do.

ASSEMBLYMAN CHOWNING:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Resolution No. 15. When tempers start to flare and everybody's tired and they are upset about this or that, you just don't know how much it means to have the calm and professional attitude of you wonderful folks. Thank you.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. To you and through you to the front desk, I am speaking in support of Assembly Resolution No. 15. They have been keeping me straight for years, and I have to echo that it is so nice and surprising to be able to come in and see you looking happy-faced after working 'til 2 a.m. It's remarkable that you can go home, be back here looking happy-faced and are always responsible for getting me here on time.

Like John, I've had the opportunity to visit many legislatures throughout the states, and we are so blessed to have professional, hard-working, and if I may use the word "loving" folks up on the front desk. If we really wanted to show our appreciation, we could get them some modern equipment. I thought we were working on that. Maybe we should get everybody to do that today. We thank you from the bottom of our hearts for all of your support, hard work, good nature and making it a pleasure for us.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. I would like to echo the comments of the Republican Floor Leader. You guys just thought we knew what we were doing, didn't you? We really have used the expertise and knowledge of the front desk to its fullest.

I remember when Joe asked me to be his floor leader, and it is quite a different responsibility than sitting back in the peanut gallery last session, not having any responsibility, and I was truly scared to death. The thing that made it accomplishable, from my perspective, was that there was always somebody there to answer the questions that I had. Generally, the questions were answered for me before I asked them. Carol's pushing the motion in front of me or Mouryne's telling me that I should do it this way.

As the session goes on, and people in this body already know that we have gotten on each other's nerves, and there have been some flare-ups, but we don't have the workload that the front desk does. We don't have to stay here until 2 a.m. or 3 a.m., and you never see that. It is very appreciated and it speaks to the professionalism that we have at our desk.

The last point that I would like to make is, that this body does become a family over a period of time. The front desk is an extended family and we have really come to appreciate them. There is a lot of love for them in this body.

For example, after my son was diagnosed last session, lo and behold, I got a card in the mail from Mouryne. She didn't have to send that, but she did. It really speaks volumes of the type of people that we have who work with us. I don't consider that they work for us, they work with us. It's a tribute to the state, and the citizens of the state are the beneficiaries of that. Thank you, Mr. Speaker.

ASSEMBLYMAN CARPENTER:

Thank you, Mr. Speaker. I would just like to say thank you to you ladies at the front desk and it is interesting to see the changing hairdos.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker, for allowing me to address this resolution. I certainly stand in strong support of this resolution. You really don't realize how hard they are working behind that desk, unless you are a Speaker and sit up there on top watching them work. It is a real coordinated effort. Each one knows what the left hand and right hand is doing. They work together to do all these little things like putting all this stuff in that antiquated equipment we have.

You know, over all the years that I have worked with the front desk, and this is my sixth term as Speaker, it always has been because we have a real leader in Mouryne. She teaches everyone and coordinates the activities to really keep us going here. Yesterday, she only had to turn around 20 times to tell me I was doing something wrong. You guys thought I was on a roll! She just turns around and whispers little things. Right?

We really have to commend these ladies for their hard work. I felt bad last night when I was able to leave at 10 p.m., and I knew that they were going to be here until 2 a.m. or 3 a.m., and have to come back this morning. Then, we just stalled around all morning and we could have let them stay in bed! We ought to have a buzzer to call them, I guess so that they could show up a half hour later.

I certainly want to commend them and hope that when we get out of their hair, they can rest and catch up on their other activities like yardwork, housework, cooking or whatever they want to do . . . go to Hawaii or something like that. We hope that the rest of the session is nice as it has been so far and that you are able to get some rest when we get out of here.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Resolution No. 15. I can't add anything further to everyone's comments except that it is always nice to be able to sit here and always see your smiling faces.

You've always maintained, not only professionalism, but you always have a great sense of humor and that is what helps make this house a little more fun in the long run. The members of this body have picked up a little something for each of the ladies, so if you wouldn't mind, Mr. Close and I would like to present them. It isn't as much as we would like to do, but our hearts say that we love you, respect you and we want to thank you for everything that you do. Just a little something from everyone in the body. Thank you, very much.

MOURYNE LANDING:

I'm not going to say very much, but I would like to thank you on behalf of the girls. I think the reason that we do a good job is because we enjoy working with you and we really do love each one of you. Thank you.

ASSEMBLYMAN HETTRICK:

Since we are at this point, we are going to go ahead and do a presentation. Linda, if you turn around and cry, you are going to break me up. Now, don't do that.

Speaker Dini and I have gotten some things to thank the front desk. His comments were so apropos. They really make us look good. They turn around, tell us in advance what we should do, and when we do it wrong, they fix it. You can't imagine the help. You couldn't do this job up here without these ladies. It's impossible. So, we too, want to thank them and we have something that we want to give them. You have to open at least one and show them what they are. We had to be fair, so they are not greatly different.

MOURYNE LANDING:

We just want to take the opportunity to thank both of our Speakers, Speaker Dini and Speaker Hettrick. They have made our job easier. When we went into this split house, we really didn't know what to expect, and all of you have said the same things that we feel, about how well they work together.

We couldn't have had two speakers who would have been more fair to everyone, worked together better and they have been exceptionally good to the front desk. So, we have a little gift that we would like to give them. Once again, we appreciate all you have done for us.

Resolution adopted unanimously.

REMARKS FROM THE FLOOR

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

SPEAKER HETTRICK:

We have two to go. We would like the Floor Leaders to come up here. Obviously, our job couldn't be done without these two young bucks, who got up here and did all the running and made it work. They've spent longer hours than I know I did. I certainly couldn't have done this job without Pete.

Pete has the political savvy, that I frankly, don't feel I have. I really respect his opinion. He is tireless. You never have to say a word, that he doesn't do it. Most of the time, he never gets to say it, because he has already done it. It has been a joy to work with Pete. I wouldn't have taken on this job without him. I told him that when we started. I said that I didn't want to do it unless he would be the Republican Floor Leader. It has been a job that I couldn't have done without him. I want to thank him for that and all his efforts. I'll hand him this gift and let Speaker Dini have the mike.

SPEAKER DINI:

I feel very strongly about the Democratic Floor Leader, Mr. Perkins. I think that he did a great job for us. He is a great negotiator. I didn't realize the talent that he had. He's developing each day. He is more wise about the politics of this group and how to negotiate. He works out deals that get conclusion.

We couldn't ever have gotten to conclusion of this session without these two young men. I think that they are going to be leaders of the future for our state and on behalf of Lynn and I, I would like to present this to Rich.

I have a gift that I want to give a guy whom I really have to compliment for the great job that he has done. I've never worked with any one better than Lynn. He has been just super. It has all been straight up and above board. We've worked together, tried to do a job for the people, so I would like to give him a gift on behalf of myself.

SPEAKER HETTRICK:

You are making me feel guilty as I didn't know Joe was going to do this. He has snuck up on me and I don't have a way to reciprocate and I feel guilty. And, so, I don't know what to say except to compliment Mr. Dini.

I think the finest compliment that I can give him is that we have truly become good friends. I value him as a friend. He has been exactly what he said; absolutely straight with me. There has never been one time that I couldn't take anything he said and put it in the bank. I truly appreciate that. He has just been fantastic to work with. He has been such a help to me, it's unbelievable. I value him more than anything as a friend. That part, I really appreciate. And, now I am going to have to feel even more guilty and open this. I don't know what to say, because if I say too much I won't be able to say anything. It is absolutely beautiful. Thank you, so much, Joe. I will treasure it.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 738, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Close moved that Assembly Bills Nos. 326, 676, 729; Senate Bills Nos. 231, 341, 395, 420, 491, 501 be placed on the General File immediately following Assembly Bill No. 702.

Motion carried.

Assemblyman Close moved that Assembly Concurrent Resolutions Nos. 33, 38, 49 be placed on the Resolution File.

Motion carried.

SECOND READING AND AMENDMENT

Assembly Bill No. 487.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1445.

Amend section 1, page 2, line 9, after "*purchase*" by inserting: "*or otherwise acquire*".

Amend sec. 2, page 2, by deleting line 33 and inserting:

"2. If a tax-supported or nonprofit school or other health or educational institution receives a donated commodity secured through the purchasing division, the chief shall charge the school or institution a fee in an amount sufficient to repay part or all of the cost of transportation and other costs incurred in acquiring the commodity.

3. All money received by the chief pursuant to this section must be deposited in the state treasury for credit to the donated commodities account. The interest and income earned on the money in the account must be credited to the account.

4. Costs of freight, storage, handling charges and other administrative".

Amend sec. 3, page 2, by deleting lines 39 through 44 and inserting: "donated commodities account created pursuant to NRS 333.124, the sum of $200,000.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1997, and reverts to the state general fund as soon as all payments of money".

Amend sec. 4, page 2, by deleting line 46 and inserting:

"Sec. 4. 1. This section and sections 1 and 3 of this act become effective on July 1, 1995.

2. Section 3 of this act becomes effective at 12:01 a.m. on July 1, 1995.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assemblyman Humke moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:36 p.m.

ASSEMBLY IN SESSION

At 12:56 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Re-refer to the Committee on Ways and Means.

VIVIAN L. FREEMAN, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Freeman moved that Senate Bill No. 430 be re-referred to the Committee on Ways and Means.

Motion carried.

Assembly Concurrent Resolution No. 33.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted, as amended.

Assembly Concurrent Resolution No. 49.

Assemblyman Braunlin moved the adoption of the resolution.

Remarks by Assemblyman Braunlin.

Resolution adopted, as amended.

Assemblyman Close moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 312, 479, 570, 573 be taken from the Second Reading File, declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Assembly Bill No. 702.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1431.

Amend section 1, page 1, line 3, after "businesses." by inserting: "The department shall exclude from its study and evaluation consideration of any house of prostitution *licensed pursuant to NRS 244.345.*".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblymen Marvel and Stroth.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 326.

Bill read third time.

Remarks by Assemblyman Segerblom.

Roll call on Assembly Bill No. 326:

YEAS—42.

NAYS—None.

Assembly Bill No. 326 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 676.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Assembly Bill No. 676:

YEAS—42.

NAYS—None.

Assembly Bill No. 676 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 729.

Bill read third time.

Remarks by Assemblymen Giunchigliani, Dini, Marvel, Carpenter, Ernaut, Lambert, Humke, Brower, Close, Steel and Price.

Assemblyman Price moved that Assembly Bill No. 729 be taken from the General File and placed on the Chief Clerk's desk.

Motion lost on a division of the house.

Roll call on Assembly Bill No. 729:

YEAS—13.

NAYS—Allard, Anderson, Arberry, Bennett, Braunlin, Brower, Buckley, Carpenter, Chowning, de Braga, Ernaut, Evans, Fettic, Goldwater, Harrington, Krenzer, Marvel, Neighbors, Nolan, Ohrenschall, Perkins, Sandoval, Schneider, Segerblom, Steel, Stroth, Williams, Mr. Speaker Dini, Mr. Speaker Hettrick—29.

Assembly Bill No. 729 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Close moved that all rules be suspended and that Assembly Bills Nos. 326, 676; Assembly Concurrent Resolutions Nos. 33, 49, 52 be immediately transmitted to the Senate.

Motion carried unanimously.

Mr. Speaker announced that if there were no objections, the Assembly would recess until 2:30 p.m.

Assembly in recess at 1:36 p.m.

ASSEMBLY IN SESSION

At 3:36 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 441, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

THOMAS BATTEN, *Chairman*

Mr. Speaker:

Your Committee on Natural Resources, Agriculture and Mining, to which was referred Senate Bill No. 121, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN CARPENTER, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Senate Bills Nos. 16, 274, 574, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your committee on Ways and Means, to which was re-referred Senate Bill No. 430, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which were referred Senate Bills Nos. 388, 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 160.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 367.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 580.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Porter, Washington and Lee as a first Committee on Conference concerning Senate Bill No. 157.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 278.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Nolan moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 16, 274, 430, 471, 542, 568, 574, 576, 577 declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Nolan moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 738 considered engrossed, declared an emergency measure under the Constitution and placed at the top of third reading and final passage.

Motion carried unanimously.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 442, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Transportation, to which was referred Senate Bill No. 397, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

VONNE CHOWNING, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 489, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Senate Bill No. 420 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Assembly Concurrent Resolution No. 38.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.

Resolution adopted, as amended.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 739—An Act relating to the legislature; increasing the compensation of legislators; providing an allowance for certain expenses of legislators; revising certain provisions of the legislators' retirement system; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Senate Bill No. 580.

Assemblyman Arberry moved that all rules be suspended, reading so far had considered first reading, rules further suspended, Senate Bill No. 580 declared an emergency measure under the Constitution and placed at the top of the General File.

Motion carried unanimously.

Assemblyman Chowning moved that Senate Bill No. 49 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 307, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 18, which is attached to and hereby made a part of this report.

MARCIA DE BRAGA	DEAN A. RHOADS
JOHN C. CARPENTER	MIKE MCGINNESS
P. M. ROY NEIGHBORS	JOHN B. REGAN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 18.

Amend sec. 3, page 1, line 18, by deleting "The" and inserting: "[The] *A county advisory board to manage wildlife shall submit written nominations for appointments to the commission upon the request of the governor and may submit nominations at any other time.*

2. *After consideration of the written nominations submitted by a county advisory board to manage wildlife and any additional candidates for appointment to the commission, the*".

Amend sec. 3, page 2, by deleting line 6 and inserting: "of the general public [.

2.] *; and*".

Amend sec. 3, page 2, by deleting lines 9 through 13 and inserting: "*Nevada.*

3. The governor shall not appoint to the commission any person who has been convicted of:

(a) A gross misdemeanor for a violation of NRS 501.376, 502.060 or 504.395; or

(b) Two or more violations of the provisions of chapters 501 to 504, inclusive, of NRS,

during the previous 10 years.

[3.] *4.* Not more than three members may be from the same county [.

4.] *whose population is 400,000 or more, not more than two members may be from the same county whose population is 100,000 or more but less than 400,000, and not more than one member may be from the same county whose population is less than 100,000.*".

Amend sec. 3, page 2, line 14, by deleting "3." and inserting "*5.*".

Amend sec. 7, page 3, line 18, by deleting the comma and inserting: "or money deposited in the wildlife heritage trust account pursuant to section 1 of [this act,] *Senate Bill No. 230 of this session,*".

Amend sec. 8, page 3, line 43, by deleting "1 of" and inserting "2 of".

Amend sec. 8, page 3, line 46, by deleting "1 of" and inserting "2 of".

Amend sec. 8, page 4, line 3, by deleting "1 of" and inserting "2 of".

Amend sec. 8, page 4, line 7, by deleting "1 of" and inserting "2 of".

Amend the bill as a whole by renumbering sec. 9 as sec. 11 and adding new sections designated sections 9 and 10, following sec. 8, to read as follows:

"Sec. 9. Notwithstanding the amendatory provisions of section 3 of this act, terms served as chairman of the board of wildlife commissioners before July 1, 1997, must not be considered in applying the limitation on consecutive terms.

Sec. 10. 1. The board of wildlife commissioners shall investigate and study the interaction between:

(a) The board of wildlife commissioners;

(b) The county advisory boards to manage wildlife;

(c) Public and private organizations whose members are actively engaged in fishing, hunting or the conservation of wildlife; and

(d) Any other private or governmental entity that the board of wildlife commissioners deems appropriate.

The study must include, but is not limited to, an investigation of the manner in which these entities communicate and make decisions.

2. The board of wildlife commissioners shall, on or before December 1, 1996, deliver a report of its findings and any recommended legislation to the director of the legislative counsel bureau for transmittal to the members of the 69th session of the Nevada legislature.".

Amend sec. 9, page 4, by deleting lines 11 and 12 and inserting:

"2. Sections 1, 2, and 4 to 7, inclusive, of this act become effective on October 1, 1995.

3. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the bill, fifth line, after "wildlife" by inserting: "requiring the commission to conduct a study;".

Assemblyman de Braga moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 307.

Remarks by Assemblymen de Braga and Carpenter.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Assembly Concurrent Resolution No. 31, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the resolution be further amended as set forth in Conference Amendment No. 19, which is attached to and hereby made a part of this report.

MARCIA DE BRAGA	MAURICE E. WASHINGTON
PATRICIA A. TRIPPLE	JOSEPH M. NEAL, JR.
DAVID E. GOLDWATER	LAWRENCE E. JACOBSEN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No 19.

Amend the resolution, page 1, by deleting lines 24 through 31 and inserting: "local governmental officials to evaluate the potential for traffic noise before approving residential development in close proximity to major roads and highways, especially freeways and expressways; and be it further".

Assemblyman de Braga moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Concurrent Resolution No. 31.

Remarks by Assemblyman de Braga.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 193, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

MAUREEN E. BROWER	KATHY AUGUSTINE
MICHAEL A. SCHNEIDER	SUE LOWDEN
THOMAS W. FETTIC	RAYMOND C. SHAFFER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Brower moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 193.

Remarks by Assemblyman Brower.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 278, consisting of the undersigned members, has met, and reports that:

It has agreed to recomend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 9, which is attached to and hereby made a part of this report.

MORSE ARBERRY, JR.	WILLIAM J. RAGGIO
JOHN W. MARVEL	LAWRENCE E. JACOBSEN
THOMAS W. FETTIC	BERNICE MATHEWS
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No 9.

Amend the bill as a whole by renumbering sections 1 through 4 as sections 2 through 5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. The legislature hereby finds and declares that:

1. The facilities and institutions of the department of prisons are overcrowded;

2. A need exists to construct new facilities in the most expeditious manner possible; and

3. It is in the interest of promoting the general welfare of the people of the state to accelerate the contracting for housing female inmates in a facility in southern Nevada.".

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

Amend sec. 3, page 2, line 7, by deleting "contracts" and inserting "a contract".

Amend sec. 3, page 2, line 10, after the period by inserting: "The contract may include an assignable lease or installment purchase agreement for the facility which constitutes a debt of the State of Nevada in an amount determined by the state board of examiners not exceeding $44,000,000. Money for the payment of the debt incurred pursuant to this section will be

provided for in the annual tax imposed for the payment of the obligations of the State of Nevada from the consolidated bond interest and redemption fund or by other legislative act. The provisions of NRS 349.238 to 349.248, inclusive, apply to payment of the debt. Interest on the debt must be paid at least semiannually and the principal must be paid within 20 years after the date of passage of this act.

2. Except for debt incurred as provided in subsection 1, all payments of money required by the contract authorized by subsection 1 must be subject to biennial appropriation by the legislature and must not be due and payable unless an appropriation is made.".

Amend sec. 4, page 2, by deleting lines 15 and 16 and inserting: "the department [to provide correctional services to prisoners at the facility.] *for financing, acquiring, constructing and operating the facility.*".

Amend the bill as a whole by renumbering sec. 5 as sec. 11 and adding new sections designated sections 6 through 10, following sec. 4, to read as follows:

"Sec. 6. Section 2 of chapter 573, Statutes of Nevada 1991, at page 1893, is hereby amended to read as follows:

Sec. 2. 1. The department may enter into [contracts] *a single contract* for financing, acquiring, constructing [or] *and* operating the facility.

2. The department may request that proposals for correctional services be submitted and must specify the requirements for the proposal.

3. Proposals submitted to the department must:

(a) Meet the requirements specified in the request; and

(b) Set a fixed price for the services offered.

4. The contract for financing, acquiring, constructing and operating the facility is exempt from the provisions relating to bids in NRS 341.145 to 341.151, inclusive.

Sec. 7. Section 3 of chapter 573, Statutes of Nevada 1991, at page 1893, is hereby amended to read as follows:

Sec. 3. The department may not enter *into* a contract [for] *that includes provisions for* correctional services unless the contractor provides:

1. Evidence of his qualifications, experience and ability to comply with applicable court orders and correctional standards.

2. A plan of indemnification for liability, including indemnity for civil rights claims. The plan must protect the state from all claims and losses incurred as a result of the contract. The provisions of this subsection do not deprive [a] *the* contractor or the state of the benefits of any law that limits its exposure to liability or damages.

3. Evidence of past performance of similar contracts, including audited financial statements for the past 5 years or for each of the years the contractor has been in operation, if less than 5 years, and other financial information as requested.

4. Management personnel necessary to carry out the terms of the contract.

Sec. 8. Section 4 of chapter 573, Statutes of Nevada 1991, at page 1894, is hereby amended to read as follows:

Sec. 4. [A] *The* contract entered into pursuant to the provisions of this act [, including contracts for the provision of correctional services, the lease or use of public lands or a public building for use in the operation of the facility:] *and Senate Bill No. 278 of the 1995 legislative session:*

1. May be entered into for 20 years or less . [, subject to the requirement of a biennial appropriation of money by the state.]

2. Must provide:

(a) Internal and perimeter security to protect the public, employees and prisoners [.] *that is approved by the department.*

(b) Work or training opportunities for prisoners while they are incarcerated. The contractor must not benefit financially from the labor of the prisoners.

(c) Discipline for prisoners in accordance with applicable standards and procedures [.] *that comply with the standards and procedures of the department.*

(d) Food, clothing, housing , *access to legal resources* and medical care for prisoners.

Sec. 9. Section 5 of chapter 573, Statutes of Nevada 1991, at page 1894, is hereby amended to read as follows:

Sec. 5. 1. Employees of [a contractor that] *the contractor who* provide security may only use force and exercise their power and authority while:

(a) On the grounds of the facility under the supervision of the contractor.

(b) Transporting prisoners.

(c) Pursuing escapees from the facility.

2. The provisions of chapter 212 of NRS apply to the:

(a) Guards or correctional officers employed by [a] *the* contractor; and

(b) Prisoners assigned to the facility, or to a program for which [a] *the* contractor is providing correctional services,

to the same extent that those provisions would apply if the services provided by the contractor were being provided by the department.

Sec. 10. Section 6 of chapter 573, Statutes of Nevada 1991, at page 1894, is hereby amended to read as follows:

Sec. 6. [A contract for correctional services] *The contract entered into pursuant to the provisions of this act and Senate Bill No. 278 of the 1995 legislative session* must not authorize, allow or imply a delegation of authority or responsibility of the director to [a] *the* contractor for:

1. Developing and implementing procedures for calculating dates for release of prisoners or eligibility for parole.

2. Developing and implementing procedures for calculating and awarding credits against the term of imprisonment.

3. Approving prisoners for furlough and work release.

4. Approving the work prisoners may perform and the wages or credits that may be given the prisoners who are engaged in such work.

5. Granting, denying or revoking credits against the term of imprisonment.".

Amend the title of the bill, fifth line, by deleting "contracts" and inserting "a contract".

Assemblyman Arberry moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 278.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 580.

Bill read third time.

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

Assembly in recess at 3:51 p.m.

ASSEMBLY IN SESSION

At 4:53 p.m.

Mr. Speaker presiding.

Quorum present.

Remarks by Assemblyman Stroth.

Roll call on Senate Bill No. 580:

YEAS—39.

NAYS—None.

Absent—Arberry, Ernaut, Price—3.

Senate Bill No. 580 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 738.

Bill read third time.

The following amendment was proposed by Assemblyman Giunchigliani:

Amendment No. 1453.

Amend the bill as a whole by deleting sec. 10 and inserting:

"Sec. 10. (Deleted by amendment.)".

Amend sec. 19, page 12, by deleting lines 10 and 11 and inserting: "legislative counsel bureau, the sum of $3,400,000 for remodeling the legislative building.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Marvel, Dini, Price, Schneider, Evans, Freeman and Carpenter.

Amendment lost.

Remarks by Assemblymen Marvel, Monaghan, Freeman and Carpenter.

Roll call on Assembly Bill No. 738:

YEAS—28.

NAYS—Bache, Brower, Buckley, Close, Giunchigliani, Harrington, Lambert, Manendo, Monaghan, Ohrenschall, Schneider, Segerblom, Spitler, Tiffany—14.

Assembly Bill No. 738 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 231 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 341.

Bill read third time.

The following amendment was proposed by Assemblyman Segerblom:

Amendment No. 1462.

Amend sec. 2, page 2, line 41, by deleting "*counselor;*" and inserting: "*counselor, psychologist or social worker;*".

Amend the title of the bill, fifth line, by deleting: "providing a penalty;".

Assemblyman Segerblom moved the adoption of the amendment.

Remarks by Assemblymen Segerblom, Bennett and Price.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 395.

Bill read third time.

Remarks by Assemblyman Schneider.

Roll call on Senate Bill No. 395:

YEAS—42.

NAYS—None.

Senate Bill No. 395 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 491.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Tiffany.

Potential conflict of interest declared by Assemblyman Krenzer.

Roll call on Senate Bill No. 491:

YEAS—41.

NAYS—None.

Not voting—Krenzer.

Senate Bill No. 491 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 501.

Bill read third time.

Assemblyman Ernaut moved that Senate Bill No. 501 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Senate Bill No. 161.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Senate Bill No. 161:

YEAS—42.

NAYS—None.

Senate Bill No. 161 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 322.

Bill read third time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1416.

Amend sec. 30, page 12, line 37, by deleting ", *address*".

Amend sec. 30, page 12, line 40, by deleting "and" and inserting "[and]".

Amend sec. 30, page 12, by deleting line 42 and inserting: "insurance [.] *; and*

(d) Any other information required by the department.".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 352.

Bill read third time.

Remarks by Assemblymen Anderson and Arberry.

Roll call on Senate Bill No. 352:

YEAS—42.

NAYS—None.

Senate Bill No. 352 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 392.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 392:

YEAS—42.

NAYS—None.

Senate Bill No. 392 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 433.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 433:

YEAS—42.

NAYS—None.

Senate Bill No. 433 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 456.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 456:

YEAS—42.

NAYS—None.

Senate Bill No. 456 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 464.

Bill read third time.

Remarks by Assemblyman Carpenter.

Roll call on Senate Bill No. 464:

YEAS—42.

NAYS—None.

Senate Bill No. 464 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 485.

Bill read third time.

Remarks by Assemblyman Price.

Roll call on Senate Bill No. 485:

YEAS—42.

NAYS—None.

Senate Bill No. 485 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Assembly Bill No. 468 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Taxation, to which were referred Senate Bills Nos. 336, 566, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which were referred Assembly Bill No. 671; Senate Bill No. 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, and re-refer to the Committee on Ways and Means.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which were referred Assembly Bill No. 736; Senate Bill No. 579, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Marvel moved that Assembly Bill No. 736; Senate Bill No. 579 be placed on the Second Reading File.

Motion carried.

Assemblyman Lambert moved that Senate Bill No. 489 be placed on the Second Reading File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 475, 672, 728.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 527, 545, 621, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 575.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 444.

MARY JO MONGELLI
Assistant Secretary of the Senate

SECOND READING AND AMENDMENT

Assembly Bill No. 736.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1500.

Amend section 1, page 1, line 11, by deleting "$75,000" and inserting "$80,950".

Amend section 1, page 2, line 10, by deleting "37,477" and inserting "41,036".

Amend section 1, page 3, line 4, by deleting "57,680" and inserting "62,400".

Amend section 1, page 3, line 47, by deleting "34,764" and inserting "36,764".

Amend section 1, page 9, between lines 24 and 25, by inserting:

"Hearings officer..... 49,970".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 579.

Bill read second time.

The following amendment was proposed by Assemblyman Hettrick:

Amendment No. 1492.

Amend sec. 13, page 4, by deleting lines 39 and 40 and inserting: "Highway No. 95 in Las Vegas, Nevada, between Decatur Boulevard and Jones Boulevard.".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 489.

Bill read second time.

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

Amendment No. 1480.

Amend sec. 7, page 2, line 12, by deleting "3" and inserting "1.5".

Amend sec. 7, page 2, line 14, after the period by inserting: "The fee must be imposed by ordinance adopted in a manner other than is provided for in a case of emergency.".

Amend sec. 10, page 2, by deleting line 36 and inserting:

"(d) One member appointed by the board to represent owners of domestic wells;".

Amend sec. 10, page 2, line 48, by deleting "large;" and inserting: "large appointed by the governing bodies of the two largest cities in the county by mutual agreement to represent environmental, biological, conservation or public concerns; and".

Amend sec. 11, page 3, by deleting lines 26 through 29 and inserting:

"7. One member appointed by the county or district board of health;

8. One member of the public at large appointed by the affirmative vote of a majority of the voting members; and

9. Additional members with expertise in an area that the majority of the voting members determines is necessary, appointed by the affirmative vote of a majority of the voting members.".

Amend sec. 14, page 4, line 2, after "three" by inserting "voting".

Amend sec. 15, page 4, line 20, by deleting "section 32" and inserting: "sections 32, 32.5 and 33".

Amend sec. 16, page 5, line 40, after "plan." by inserting: "The estimate of cost must state the financial impact on persons within the region, including, without limitation, all direct and indirect costs of connecting to the system, if any.".

Amend sec. 20, page 6, line 42, by deleting "plan," and inserting: "plan or an amendment,".

Amend sec. 20, page 6, by deleting line 44 and inserting:

"3. Notice of the hearing must be given at least 10 days before the date of beginning the hearing. The notice must include, without limitation:".

Amend sec. 20, page 7, line 4, after "plan" by inserting "or amendment".

Amend sec. 20, page 7, line 5, after "plan" by inserting "or amendment".

Amend sec. 29, page 9, line 26, after "board" by inserting: "of county commissioners".

Amend sec. 30, page 9, line 45, after "board" by inserting: "of county commissioners".

Amend sec. 30, page 10, line 21, by deleting "and" and inserting "or".

Amend sec. 30, page 10, line 22, after "condition," by inserting: "or a combination thereof,".

Amend sec. 31, page 11, line 1, after "board" by inserting: "of county commissioners".

Amend sec. 31, page 11, by deleting line 2 and inserting: "public utility for any".

Amend the bill as a whole by deleting sec. 31.5 and inserting a new section designated sec. 31.5, following sec. 31, to read as follows:

"Sec. 31.5. Any recovery from a person who has caused or contributed to the condition requiring remediation must be used to offset the cost of remediation and must be credited to the assessments.".

Amend sec. 32, page 11, line 9, after "board" by inserting: "of county commissioners".

Amend sec. 32.5, page 11, line 14, after "board" by inserting: "of county commissioners".

Amend sec. 32.5, page 11, between lines 22 and 23, by inserting:

"2. The agreement entered into pursuant to subsection 1 governs the provision of retail water services by the public utility and the board, unless the agreement is amended by the mutual agreement of the board and the public utility.".

Amend sec. 32.5, line 23, by deleting "2." and inserting "3.".

Amend sec. 32.5, line 26, by deleting "3." and inserting "4.".

Amend sec. 33, page 11, by deleting lines 33 and 34 and inserting: "shall provide wholesale water services in a manner consistent with its water resource plan as approved by the public service commission of Nevada.".

Amend sec. 33, page 11, by deleting lines 37 and 38 and inserting: "operated or controlled by the board of county commissioners from water resources recognized in its water resource plan as approved by the public service commission of Nevada, except to the extent that:".

Amend the bill as a whole by adding a new section designated sec. 33.5, following sec. 33, to read as follows:

"Sec. 33.5. [Before the effective date of the plan adopted pursuant to section 15 of this act:]

1. The largest supplier of water within the region which is a public utility shall provide wholesale water services in a manner consistent with its water resource plan as approved by the public service commission of Nevada.

2. The largest supplier of water within the region which is a public utility shall provide all wholesale water services to any system of water supply operated or controlled by the board of county commissioners from water resources recognized in its water resource plan as approved by the public service commission of Nevada, except to the extent that:

(a) There is an existing system or a system under construction for the provision of wholesale water services;

(b) The public utility enters into an agreement with the board on or before June 15, 1995;

(c) A subdivision map has been approved on or before June 15, 1995, in an unincorporated area of the region; or

(d) The public utility and the board agree that it is more economical for the board to provide such services.".

Amend the bill as a whole by adding a new section designated sec. 34.7, following sec. 34.5, to read as follows:

"Sec. 34.7. NRS 533.395 is hereby amended to read as follows:

533.395 1. If, at any time in the judgment of the state engineer, the holder of any permit to appropriate the public water is not proceeding in good faith and with reasonable diligence to perfect the appropriation, the state engineer shall require the submission of such proof and evidence as may be necessary to show a compliance with the law. If, in his judgment, the holder of a permit is not proceeding in good faith and with reasonable diligence to perfect the appropriation, the state engineer shall cancel the permit, and advise the holder of its cancellation. The failure to provide the proof and evidence required pursuant to this subsection is prima facie evidence that the holder is not proceeding in good faith and with reasonable diligence to perfect the appropriation.

2. If any permit is canceled under the provisions of NRS 533.390, this section or 533.410, the holder of the permit may within 60 days of the cancellation of the permit file a written petition with the state engineer requesting a review of the cancellation by the state engineer at a public hearing. The state engineer may, after receiving and considering evidence, affirm, modify or rescind the cancellation.

3. If the decision of the state engineer modifies or rescinds the cancellation of a permit, the effective date of the appropriation under the permit is vacated and replaced by the date of the filing of the written petition with the state engineer.

4. The cancellation of a permit may not be reviewed or be the subject of any judicial proceedings unless a written petition for review has been filed and the cancellation has been affirmed, modified or rescinded pursuant to subsection 2.

5. For the purposes of this section, the measure of reasonable diligence is the steady application of effort to perfect the appropriation in a reasonably expedient and efficient manner under all the facts and circumstances. When a project or integrated system is comprised of several features, work on one feature of the project or system may be considered in finding that reasonable diligence has been shown in the development of water rights for all features of the entire project or system.

6. The appropriation of water or the acquisition or lease of appropriated water from any:

(a) Stream system as provided for in this chapter; or

(b) Underground water as provided for in NRS 534.080,

by a political subdivision of this state or a public utility as defined in NRS 704.020 to serve the present or the reasonably anticipated future municipal, industrial or domestic needs of its customers for water, as determined in accordance with a master plan adopted pursuant to chapter 278 of NRS [, a plan adopted pursuant to section 15 of this act] or a plan approved by the state engineer, must be considered when reviewing an extension of time.".

Amend the bill as a whole by deleting sections 35 through 37 and inserting:

"Secs. 35-37. (Deleted by amendment.)".

Amend sec. 40, page 17, line 42, by deleting "*the system*" and inserting: "*the portion of the system where ozone is used or stored*".

Amend sec. 42, page 18, line 28, after "disapproves." by inserting: "The plan must be approved by the governing bodies of the two largest cities in the region not later than 21 months after the effective date of this act.".

Amend sec. 44, page 18, by deleting line 37 and inserting:

"Sec. 44. 1. This section and sections 1 to 33, inclusive, 34, 34.5 and 35 to 43, inclusive, of this act become effective on July 1, 1995.

2. Sections 33.5 and 34.7 become effective on July 30, 1997.

3. Sections 2 to 27, inclusive, and 39 expire by limitation of July 30, 1997.".

Assemblyman Lambert moved the adoption of the amendment.

Remarks by Assemblyman Lambert.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 444.

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

Motion carried.

Senate Bill No. 575.

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

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 187, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 24, which is attached to and hereby made a part of this report.

VONNE CHOWNING	MAURICE E. WASHINGTON
LYNN HETTRICK	JON C. PORTER
DENNIS L. ALLARD	O. C. LEE
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 24.

Amend section 1, page 3, between lines 10 and 11, by inserting:

"*(h) By a reporter or editorial employee who is employed by or affiliated with any newspaper, press association or commercially operated federally licensed radio or television station for a journalistic purpose. The department may not make any inquiries regarding the use of or reason for the information requested other than whether the information will be used for a journalistic purpose.*".

Amend section 1, page 3, by deleting lines 28 through 32 and inserting: "carry out the purposes of this section. *In addition the director shall, by regulation, establish a procedure*".

Assemblyman Chowning moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 187.

Remarks by Assemblyman Chowning.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bill No. 212 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Ways and Means:

Assembly Bill No. 740—An Act relating to human resources; increasing the number of deputy administrators in the division of child and family services of the department of human services; and providing other matters properly relating thereto.

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

Motion carried.

By the Committee on Ways and Means:

Assembly Bill No. 741—An Act relating to governmental financial administration; requiring the health division of the department of human resources to establish a perinatal care and obstetrical access pilot program; making an appropriation to the Canyon General Improvement District to repair damages caused by flooding; requiring the Clark County school district to establish a pilot program for the supervision of pupils before and after school; requiring the Clark County School District to establish a pilot program for the instruction of pupils whose primary language is not English; making various other appropriations from the state general fund; and providing other matters properly relating thereto.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Senate Bill No. 490 be re-referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Stroth moved that Assembly Bill No. 671 be re-referred to the Committee on Ways and Means.

Motion carried.

Mr. Speaker announced that if there were no objections, the Assembly would recess until 7:15 p.m.

Assembly in recess at 6:09 p.m.

ASSEMBLY IN SESSION

At 7:35 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Senate Bills Nos. 574, 577 be taken from their position on the General File and placed at the top of the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 282, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass, as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 84, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 422, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 734.

MARY JO MONGELLI
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Senate Bill No. 574.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 574:

YEAS—41.

NAYS—None.

Absent—Price.

Senate Bill No. 574 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 577.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 577:

YEAS—42.

NAYS—None.

Senate Bill No. 577 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 516.

Bill read third time.

Remarks by Assemblyman Brower.

Roll call on Senate Bill No. 516:

YEAS—42.

NAYS—None.

Senate Bill No. 516 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that all rules be suspended and that Senate Bills Nos. 574, 577 be immediately transmitted to the Senate.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 557.
Bill read third time.
Remarks by Assemblyman Fettic.
Potential conflict of interest declared by Assemblyman Braunlin.
Roll call on Senate Bill No. 557:

YEAS—39.
NAYS—None.
Not voting—Goldwater, Harrington, Krenzer—3.

Senate Bill No. 557 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Joint Resolution No. 26.
Resolution read third time.
Remarks by Assemblyman Segerblom.
Roll call on Senate Joint Resolution No. 26:

YEAS—41.
NAYS—Tiffany.

Senate Joint Resolution No. 26 having received a constitutional majority, Mr. Speaker declared it passed.

Resolution ordered transmitted to the Senate.

Senate Bill No. 312.
Bill read third time.
Remarks by Assemblyman Anderson.
Roll call on Senate Bill No. 312:

YEAS—42.
NAYS—None.

Senate Bill No. 312 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 479.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Senate Bill No. 479:

YEAS—42.
NAYS—None.

Senate Bill No. 479 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 570.

Bill read third time.

Remarks by Assemblymen Goldwater, Lambert, Steel, Bache, Dini, Brower and Chowning.

Roll call on Senate Bill No. 570:

YEAS—41.

NAYS—Price.

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

Bill ordered transmitted to the Senate.

Senate Bill No. 573.

Bill read third time.

Remarks by Assemblyman Sandoval.

Roll call on Senate Bill No. 573:

YEAS—42.

NAYS—None.

Senate Bill No. 573 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 16.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 16:

YEAS—25.

NAYS—Anderson, Bache, Batten, Braunlin, Brower, Chowning, Close, Freeman, Giunchigliani, Lambert, Manendo, Monaghan, Ohrenschall, Schneider, Spitler, Steel, Tripple—17.

Senate Bill No. 16 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 274.

Bill read third time.

Remarks by Assemblymen Neighbors and Bache.

Roll call on Senate Bill No. 274:

YEAS—32.

NAYS—Bache, Freeman, Giunchigliani, Goldwater, Lambert, Manendo, Monaghan, Ohrenschall, Spitler, Tripple—10.

Senate Bill No. 274 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 430.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 430:

YEAS—39.

NAYS—Harrington, Steel, Tiffany—3.

Senate Bill No. 430 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Batten moved that Senate Bill No. 49 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Batten.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 471.

Bill read third time.

Remarks by Assemblyman Dini.

Roll call on Senate Bill No. 471:

YEAS—42.

NAYS—None.

Senate Bill No. 471 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 542.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Senate Bill No. 542:

YEAS—39.

NAYS—Arberry, Carpenter, Segerblom—3.

Senate Bill No. 542 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 568.

Bill read third time.

Remarks by Assemblyman Bache.

Potential conflict of interest declared by Assemblyman Spitler.

Roll call on Senate Bill No. 568:

YEAS—39.

NAYS—None.

Not voting—Lambert, Spitler, Williams—3.

Senate Bill No. 568 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 576.

Bill read third time.

Remarks by Assemblymen Williams and Dini.
Roll call on Senate Bill No. 576:

YEAS—41.
NAYS—Carpenter.

Senate Bill No. 576 having received a constitutional majority, Mr. Speaker declared it passed.
Bill ordered transmitted to the Senate.

Senate Bill No. 501.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Senate Bill No. 501:

YEAS—42.
NAYS—None.

Senate Bill No. 501 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 468.
Bill read third time.
Remarks by Assemblyman Ohrenschall.
Roll call on Assembly Bill No. 468:

YEAS—38.
NAYS—Braunlin, Neighbors, Steel—3.
Not voting—Carpenter.

Assembly Bill No. 468 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that for the balance of the session, all rules be suspended and that all bills and resolutions passed by the Assembly be immediately transmitted to the Senate.
Motion carried unanimously.

Assemblyman Ernaut moved that for the balance of the session, all rules be suspended, reading so far had considered second reading, rules further suspended, and that all Assembly bills and joint resolutions reported out of committee without amendments be considered engrossed, declared emergency measures under the constitution and placed on third reading and final passage.
Motion carried unanimously.

Assemblyman Ernaut moved that for the balance of the session, all rules be suspended, reading so far had considered second reading, rules further suspended, and that all Senate bills and joint resolutions reported out of committee without amendments be declared emergency measures under the constitution and placed on third reading and final passage.
Motion carried unanimously.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 8:26 p.m.

ASSEMBLY IN SESSION

At 8:37 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 444, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Health and Human Services, to which was referred Senate Bill No. 550, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

VIVIAN L. FREEMAN, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 494, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY SPITLER, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1995

To the Honorable the Assembly:

I have the honor to inform your honorale body that the Senate on this day passed Assembly Bills Nos. 592, 737.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 47, 65, 171, 356, 370, 502, 525, 561, 581, 597, 656, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 199.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bills Nos. 556, 578.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Natural Resources, Agriculture and Mining:

Assembly Bill No. 742—An Act relating to property taxation; repealing the provisions which exempt possessory interests in or beneficial uses of property made available for grazing by certain federal agencies; and providing other matters properly relating thereto.

Assemblyman de Braga moved that the bill be referred to the Committee on Taxation.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 212.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1396.

Amend section 1, page 1, line 3, by deleting "2" and inserting "[2] *4*".

Amend sec. 3, page 3, line 21, by deleting: "*license for the possession of live*" and inserting: "license for the possession of live".

Amend sec. 3, page 3, line 22, by deleting "[culturing facility]".

Amend sec. 3, page 3, line 24, by deleting: "*license for the possession of live*" and inserting: "license for the possession of live".

Amend sec. 3, page 3, line 25, by deleting "[culturing facility]".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblyman Ernaut.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 336.

Bill read third time.

Remarks by Assemblyman Stroth.

Roll call on Senate Bill No. 336:

YEAS—42.

NAYS—None.

Senate Bill No. 336 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Batten moved that Senate Bill No. 49 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 397.

Bill read third time.

Remarks by Assemblymen Chowning, Steel, Humke, Freeman, Perkins and Dini.

Assemblyman Dini moved that Senate Bill No. 397 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Dini.

Motion carried.

Senate Bill No. 444.

Bill read third time.

Remarks by Assemblymen Neighbors, Giunchigliani, Dini and Price.

Roll call on Senate Bill No. 444:

YEAS—42.

NAYS—None.

Senate Bill No. 444 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 494.

Bill read third time.

Remarks by Assemblymen Humke, Bache, Buckley, Ohrenschall, Segerblom, Allard, Brower, Carpenter and Close.

Assemblymen Williams, Marvel and Ernaut moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 494.

Roll call on Senate Bill No. 494:

YEAS—19.

NAYS—Anderson, Arberry, Bache, Batten, Buckley, Chowning, Close, de Braga, Evans, Freeman, Giunchigliani, Goldwater, Krenzer, Lambert, Manendo, Neighbors, Ohrenschall, Perkins, Price, Segerblom, Spitler, Tripple, Williams—23.

Senate Bill No. 494 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Senate Bill No. 566.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Senate Bill No. 566:

YEAS—41.

NAYS—None.

Not voting—Monaghan.

Senate Bill No. 566 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 49.

Bill read third time.

Remarks by Assemblymen Allard, Ernaut, Goldwater, Anderson, Monaghan, Carpenter, Arberry and Chowning.

Roll call on Senate Bill No. 49:

YEAS—28.

NAYS—Braunlin, Brower, Close, Ernaut, Harrington, Monaghan, Nolan, Perkins, Sandoval, Schneider, Spitler, Steel, Stroth, Tiffany—14.

Senate Bill No. 49 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 299, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

DAVID HUMKE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bills Nos. 388, 422, 631, 733; Senate Bills Nos. 121, 299, 388, 441, 442, 550, 560 be placed on the Second Reading File.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 458, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 17, which is attached to and hereby made a part of this report.

DENNIS NOLAN	SUE LOWDEN
DAVID E. GOLDWATER	JOHN B. REGAN
BRIAN E. SANDOVAL	KATHY AUGUSTINE
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 17.

Amend the bill as a whole by deleting line 1 on page 8 and inserting:

"Sec. 33. *1. If, after conducting an examination of the affairs, transactions, accounts, funds, records and assets of the system, the commissioner determines that the system is insolvent, he shall give written notice of his determination to the manager and administrator.*

2. Except as otherwise provided in this subsection, upon receipt of such a notice, the administrator shall impose and collect a solvency surcharge from:

(a) Each employer who was insured by the Nevada industrial commission or the system at any time during the period beginning on July 1, 1979, and ending on July 1, 1995;

(b) Each employer who is insured by the system at any time after July 1, 1995;

(c) Each self-insured employer; and

(d) Each association of self-insured public or private employers,

in an amount calculated to produce the revenue that is required to pay the outstanding obligations of the system as they become due. The formula used by the administrator to calculate the surcharge must be approved by the legislative committee on workers' compensation created pursuant to section 120 of this act. The surcharge must be paid in the manner prescribed by the administrator. The manager shall collect the surcharge imposed against those employers who are insured by the system at any time after July 1, 1995.

3. All money received by the administrator and manager from any surcharge imposed pursuant to this section must be credited on the records of the system to the account for solvency surcharges, which is hereby created in the state insurance fund. The money in the account:

(a) Constitutes a part of the assets of the state insurance fund.

(b) Must be used solely to pay the operating expenses of the system and any obligations of the system as they become due. The money in the account may not be used by the system to incur any additional obligations.

4. If, at any time after the imposition of a surcharge pursuant to this section, the manager determines that the system is no longer insolvent, he shall file a request with the commissioner to cease the collection of any surcharge imposed pursuant to this section. Upon the receipt of the request, the commissioner shall, for the purpose of determining the financial condition of the system, conduct an examination of the affairs, transactions, accounts, funds, records and assets of the system. If, after conducting the examination, the commissioner determines that the system is no longer insolvent, the commissioner shall approve the request.

5. Any employer, self-insured employer or association of self-insured public or private employers that fails to pay any surcharge imposed pursuant to this section is liable in a civil action commenced by the administrator for:

(a) The amount owed pursuant to this section;

(b) The reasonable expenses incurred by the administrator in enforcing this section; and

(c) Payment of interest on the amount due at the rate fixed pursuant to NRS 99.040 for the period from the date upon which the surcharge was due to the date upon which the surcharge is paid.

Any money collected by the administrator pursuant to this subsection must be deposited into the account for solvency surcharges.

6. For the purposes of this section, the system is insolvent if the system is required to sell or otherwise liquidate any of the invested assets or real property of the system for the purpose of paying its outstanding obligations as they mature in the regular course of business.

Secs. 34-37. (Deleted by amendment.)".

Amend the bill as a whole by deleting line 1 on page 11 and inserting:

"Sec. 48. NRS 616.193 is hereby amended to read as follows:

616.193 1. The insurer must provide access to the files of claims in its offices.

2. A file is available for inspection during regular business hours by the employee or his designated agent, the employer or his designated agent and the administrator or his designated agent.

3. Upon request, the insurer must make copies of anything in the file and may charge a reasonable fee for this service. Copies of materials in the file which are requested by the administrator or his designated agent, or the Nevada attorney for injured workers or his designated agent must be provided free of charge.

4. [Until a claim is closed the file must be kept in the office nearest to the place where the injury occurred.

5.] If a claim has been closed for at least 1 year, the insurer may microphotograph or film any of its records relating to that claim. The microphotographs or films must be placed in convenient and accessible files, and provision must be made for preserving, examining and using the records.

[6.] *5.* Nothing in this section requires the insurer to allow inspection or reproduction of material regarding which a legal privilege against disclosure has been conferred.".

Amend the bill as a whole by deleting sec. 51.5 and inserting:

"Sec. 51.5. (Deleted by amendment.)".

Amend sec. 52, page 14, lines 46 and 47, by deleting "*15, 16*" and inserting "*15*".

Amend sec. 77, page 21, by deleting lines 33 through 35 and inserting: "*the receipt of the payroll and premium.*".

Amend sec. 77, page 22, line 20, by deleting: "or $15, whichever is greater," and inserting: "[or $15, whichever is greater,]".

Amend the bill as a whole by deleting line 16 on page 32 and inserting:

"Sec. 95. NRS 616.545 is hereby amended to read as follows:

616.545 1. If an application to reopen a claim to increase or rearrange compensation is made in writing more than 1 year after the date on which the claim was closed, the insurer shall reopen the claim if:

(a) A change of circumstances warrants an increase or rearrangement of compensation during the life of the claimant;

(b) The primary cause of the change of circumstances is the injury for which the claim was originally made; and

(c) The application is accompanied by the certificate of a physician or a chiropractor showing a change of circumstances which would warrant an increase or rearrangement of compensation.

2. After a claim has been closed, the insurer, upon receiving an application and for good cause shown, may authorize the reopening of the claim for medical investigation only. The application must be accompanied by a written request for treatment from the physician or chiropractor treating the claimant, certifying that the treatment is indicated by a change in circumstances and is related to the industrial injury sustained by the claimant.

3. If a claimant applies for a claim to be reopened pursuant to subsection 1 or 2 and a final determination denying the reopening is issued, the claimant shall not reapply to reopen the claim until at least 1 year after the date on which the final determination is issued.

4. Except as otherwise provided in subsection 5, if an application to reopen a claim is made in writing within 1 year after the date on which the claim was closed, the insurer shall reopen the claim only if:

(a) The application is supported by medical evidence demonstrating an objective change in the medical condition of the claimant; and

(b) There is clear and convincing evidence that the primary cause of the change of circumstances is the injury for which the claim was originally made.

5. An application to reopen a claim must be made in writing within 1 year after the date on which the claim was closed if:

(a) The claimant was not off work as a result of the injury; and

(b) The claimant did not receive benefits for a permanent partial disability.

If an application to reopen a claim to increase or rearrange compensation is made pursuant to this subsection, the insurer shall reopen the claim if the requirements set forth in paragraphs (a), (b) and (c) of subsection 1 are met.

6. If an employee's claim is reopened pursuant to this section, he is not entitled to vocational rehabilitation services or benefits for a temporary total disability if, before his claim was reopened, he:

(a) Retired; or

(b) Otherwise voluntarily removed himself from the work force,

for reasons unrelated to the injury for which the claim was originally made.

7. One year after the date on which the claim was closed, an insurer may dispose of the file of a claim authorized to be reopened pursuant to subsection 5, unless an application to reopen the claim has been filed pursuant to that subsection.

8. An increase or rearrangement of compensation is not effective before an application for reopening a claim is made unless good cause is shown. The insurer shall, upon good cause shown, allow the cost of emergency treatment the necessity for which has been certified by a physician or a chiropractor.

9. A claim that automatically closes pursuant to subsection 2 of NRS 616.567 may not be reopened pursuant to this section.

10. The provisions of this section apply to any claim for which an application to reopen the claim or to increase or rearrange compensation is made pursuant to this section, regardless of the date of the injury or accident to the claimant. If a claim is reopened pursuant to this section, the amount of any compensation or benefits provided must be determined in accordance with the provisions of NRS 616.625.

Sec. 96. (Deleted by amendment.)".

Amend the bill as a whole by deleting line 40 on page 41 and inserting:

"Sec. 118. (Deleted by amendment.)

Sec. 119. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 120 to 123, inclusive, of this act.

Sec. 120. *1. There is hereby created a legislative committee on workers' compensation. The committee consists of:*

(a) Four members appointed by the majority leader of the senate, in consultation with the minority leader of the senate, from the membership of the senate standing committee on commerce and labor during the immediately preceding session of the legislature.

(b) Four members appointed by the speaker of the assembly from the membership of the assembly standing committee on labor and management during the immediately preceding session of the legislature. The members

must represent each political party represented in the assembly in the approximate proportion that they are represented in that house, but at least one member must be chosen from each political party.

2. The members of the committee shall elect a chairman and vice chairman from among their members. The chairman must be elected from one house of the legislature and the vice chairman from the other house. After the initial election of a chairman and vice chairman, each of those officers holds office for a term of 2 years commencing on July 1 of each odd-numbered year. If a vacancy occurs in the chairmanship or vice chairmanship, the members of the committee shall elect a replacement for the remainder of the unexpired term.

3. Any member of the committee who is not a candidate for reelection or who is defeated for reelection continues to serve until the convening of the next session of the legislature.

4. Vacancies on the committee must be filled in the same manner as original appointments.

Sec. 121. *1. The members of the committee shall meet at least quarterly and at the times and places specified by a call of the chairman. The research director of the legislative counsel bureau or a person he has designated shall act as the nonvoting recording secretary. Five members of the committee constitute a quorum, and a quorum may exercise all the power and authority conferred on the committee.*

2. Except during a regular or special session of the legislature, the members of the committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding session, the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207 for each day or portion of a day of attendance at a meeting of the committee and while engaged in the business of the committee. The salaries and expenses of the members of the committee and any other expenses incurred by the committee in carrying out its duties must be paid from assessments imposed pursuant to NRS 232.680.

Sec. 122. *The committee:*

1. May review issues related to workers' compensation.

2. May study the desirability of establishing a preferred employee program which provides exemptions from the payment of premiums and other financial incentives for employers who provide suitable employment for injured employees and any other program for returning injured employees to work.

3. May review the manner used by the division of industrial relations of the department of business and industry to rate physical impairments of injured employees.

4. Shall, to ensure the solvency of the state industrial insurance system:

(a) Review and study the financial condition of the state industrial insurance system;

(b) Determine the extent of any apparent insolvency of the system; and

(c) Establish a formula which will be applied to calculate a surcharge that is equal in amount to any deficiency in the cumulative amount of premiums paid by an employer who is subject to the provisions of section 33 of this act.

5. May conduct investigations and hold hearings in connection with carrying out its duties pursuant to this section.

6. May direct the legislative counsel bureau to assist in its research, investigations, hearings and reviews.

Sec. 123. *Each witness who appears before the committee by its order, except a state officer or employee, is entitled to receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of record of this state. The fees and mileage must be audited and paid upon the presentation of proper claims sworn to by the witness and approved by the chairman of the committee.*

Secs. 124 and 125. (Deleted by amendment.)

Sec. 126. NRS 232.680 is hereby amended to read as follows:

232.680 1. The cost of carrying out the provisions of NRS 232.550 to 232.700, inclusive, and of supporting the division, a full-time employee of the legislative counsel bureau , [and] the fraud control unit for industrial insurance established pursuant to NRS 228.420 [,] *and the legislative committee on workers' compensation created pursuant to section 120 of this act,* must be paid from assessments payable by each:

(a) Insurer based upon expected annual expenditures for claims; and

(b) Employer who provides accident benefits for injured employees pursuant to NRS 616.415, based upon his expected annual expenses of providing those benefits.

The division shall adopt regulations which establish formulas of assessment which result in an equitable distribution of costs among the insurers and employers who provide accident benefits for injured employees.

2. Federal grants may partially defray the costs of the division.

3. Assessments made against insurers by the division after the adoption of regulations must be used to defray all costs and expenses of administering the program of workmen's compensation, including the payment of:

(a) All salaries and other expenses in administering the division, including the costs of the office and staff of the administrator.

(b) All salaries and other expenses of administering NRS 616.253 to 616.2539, inclusive, the offices of the hearings division of the department of administration and the programs of self-insurance and review of premium rates by the commissioner of insurance.

(c) The salary and other expenses of a full-time employee of the legislative counsel bureau whose principal duties are limited to conducting research and reviewing and evaluating data related to industrial insurance.

(d) All salaries and other expenses of the fraud control unit for industrial insurance established pursuant to NRS 228.420.

(e) Claims against uninsured employers arising from compliance with NRS 616.377 and 617.275.

(f) All salaries and expenses of the members of the legislative committee on workers' compensation and any other expenses incurred by the committee in carrying out its duties pursuant to sections 120 to 123, inclusive, of this act.

Secs. 127-129. (Deleted by amendment.)".

Amend sec. 129.5, page 41, line 44, by deleting: "*once every 3 months*" and inserting "*annually*".

Amend the bill as a whole by deleting sec. 130.4 and inserting:

"Sec. 130.4. (Deleted by amendment.)".

Amend sec. 130.6, page 44, line 17, after "*system,*" by inserting: "*which are attributable to industrial insurance*".

Amend the bill as a whole by deleting line 3 on page 45 and inserting:

"Sec. 134. NRS 696B.020 is hereby amended to read as follows: 696B.020 [The]

1. Except as otherwise provided in subsection 2, the applicable provisions of this chapter apply to:

[1.] *(a)* All insurers authorized to transact insurance in this state;

[2.] *(b)* All insurers having policyholders resident in this state;

[3.] *(c)* All insurers against whom a claim under an insurance contract may arise in this state;

[4.] *(d)* All persons in the process of organization, or holding themselves out as organizing, or proposing to organize in this state for the purpose of becoming an insurer; and

[5.] *(e)* All other persons to whom such provisions are otherwise expressly made applicable by law.

2. The provisions of this chapter do not apply to the state industrial insurance system for the purpose of determining and imposing an insolvency surcharge pursuant to section 33 of this act.

Sec. 135. (Deleted by amendment.)".

Amend sec. 137, page 46, by deleting lines 12 through 14 and inserting: "manager for the receipt of the payroll and premium.".

Amend sec. 137, page 47, line 2, by deleting: "or $15, whichever is greater,".

Amend sec. 147, page 47, by deleting line 39 and inserting:

"Sec. 147. 1. NRS 616.2213, 616.2214, 616.2215, 616.2216, 616.2217, 616.2225,".

Amend sec. 147, page 47, between lines 42 and 43, by inserting:

"2. Sections 158, 160 and 162 of chapter 265, Statutes of Nevada 1993, are hereby repealed.".

Amend sec. 155, page 48, line 22, by deleting "32," and inserting "33,".

Amend sec. 155, page 48, by deleting line 23 and inserting: "48 to 54, inclusive, 57, 61, 68, 73, 76, 81 to 85, inclusive, 87 to 95,".

Amend sec. 155, page 48, line 24, by deleting "130, 133," and inserting: "119 to 123, inclusive, 126, 130, 133, 134,".

Amend the leadlines of repealed sections by inserting the leadline of NRS 616.2225.

Amend the title of the bill by deleting the seventh through the twelfth lines and inserting: "relating to the confidentiality of certain records and files of the division; authorizing the collection of a solvency surcharge from certain employers; repealing the responsibility of a real estate broker to pay premiums for industrial insurance for a broker-salesman and salesman who is associated with him; providing that payments in a lump sum on or after July 1, 1995, are governed by regulations adopted by the administrator and approved by the governor; revising the provisions relating to organizations for managed care; creating a legislative committee on workers' compensation; providing penalties; and providing other matters".

Assemblyman Nolan moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 458.

Remarks by Assemblymen Nolan, Dini, Krenzer, Ernaut, Bache and Giunchigliani.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DINI:

Thank you, Mr. Speaker. I rise in opposition to this conference committee report. Who is going to pay the bill? How many small businesses can afford to pay this bill? How much is the surcharge going to be? You tell me that; you try and pay the bill. I have been under a penalty with SIIS for two years. It costs me $7,000 a month. Why are you going to add another $3,000 a month for me because people got out of the system? Tell me what it is going to cost a small employer in this state.

ASSEMBLYMAN NOLAN:

Mr. Speaker, the solvency surcharge is a trigger mechanism. Currently, the system is in the black and they are doing better. Every year they have predicted to do better. The opportunity to kick in the solvency surcharge is depleting annually. This is just an emergency mechanism in the event that the system does go under.

ASSEMBLYMAN DINI:

If the system is doing so well, why do we need to have this in the law?

ASSEMBLYMAN NOLAN:

The system has been having problems for the last 10 years and they were not discovered until just recently in the last four to five years. There is no predicting what the future holds for the system. This is a very difficult and contentious issue to deal with; trying to figure out if, in fact, the system goes under. We have a $2 billion deficit hanging over the head of every taxpayer in the state. Who is really responsible for this? Essentially, we all know the surcharge was a result of under-funded premiums during that period of time, since 1979.

ASSEMBLYMAN KRENZER:

Thank you, Mr. Speaker. The system actually has $2.2 billion unfunded liability. There are provisions in Senate Bills Nos. 316, 458, 587 and 498 that will help address this serious problem. However, on page 3, subsection 6 of this amendment it defines solvency. If the system is required to sell or otherwise liquidate any of the investment assets or real property of the system for the purpose of paying its outstanding obligations as they mature in the regular course of business, then a surcharge may be imposed as a very last option.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I rise in support of the adoption of the conference committee report to Senate Bill No. 458. It is true that SIIS has made a dramatic turn-around since the last session. We have seen a growth in cash flow. The problem that we have is in the unfunded liability. The cash flow today can sustain the present claims and can also sustain some of the unfunded liability responsibility it has had in past debt.

However, the problem remains that if we dip below the actual sound reserve balance for present claims, we may run into trouble again. This is only an emergency measure. It is only a trigger if you drop below a watermark. I feel that all of the consensus language that we have done, not only in Senate Bill No. 316 of last session, but Senate Bill No. 458 of this session ensures that this trigger will never have to go off. Like Speaker Dini, I am a small business owner and I pay SIIS claims as well. I have a very great concern, not only for myself, but for my colleagues that also own small businesses. I feel that we have done a very good job in all of the other areas of this bill that ensure the solvency. I hope, as Speaker Dini does, that this trigger never goes off. I think that we have done a great job with this bill. We have done good public policy and I urge your support.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. I, too, rise in opposition to the conference committee report on Senate Bill No. 458. In particular, the Governor currently has the authority to enact this system, if in fact, the system does have a financial emergency that will cause the system to go under. And secondly, sections 119 through 123, instead of an interim committee for the next two years, has created a permanent legislative committee on workers compensation that will micromanage the system. This is not needed. The committee that was established for this interim is all that is really needed. Thank you.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. To you and through you to one of the Co-Chairmen, I just had a simple question. It seemed to me you said $2.2 billion liability, correct? That is what they supposedly had last session. And yet, they have being getting $100 million plus in cash flow every month for the last couple of years, so why do we still have the same number?

ASSEMBLYMAN NOLAN:

Thank you, Mr. Speaker. To you and through you to my colleague from Assembly District No 9. That was the most recent actuarials that were provided by SIIS number one, and number two, as these claims develop the unfunded liability and the reserves continue to keep it up. Some things will drop off with time and as claim management progresses, but that does not prevent these claims and reserves from adding to that debt.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. It just seems kind of ironic that two years later we are being quoted the same numbers, which I never bought last time.

I do have a concern about the small businesses. The issue of solvency will not become a reality until next session. And, if it does, I think the Governor already has the authority under the Constitution; and I think we already know the system knows who left that system with its tail and they should not become a solvency issue. A surcharge should not hit those people currently in the system, because they were not the ones who caused the problem. So, I do think that there are still some problems with this report.

ASSEMBLYMAN KRENZER:

Thank you, Mr. Speaker. To you and through you to my honorable colleague from southern Nevada, in regards to the committee. As in this amendment on page 9, section 122, the purpose of the subcommittee is to review the issues related to workers compensation; study the desirability of establishing the preferred employee program which helps get injured workers back to work and provides incentives to do that.

It may review the manner in which the Division of Industrial Relations and the Department of Business and Industry rate physical impairment, and its own, to ensure the solvency of the state system; review and study the financial condition and determine the extent of the insolvency and establish a formula. These are all critical things that need to be looked at. We can't wait 18 months to return and find out what the condition of the system is, or look for solutions in 18 months. Thank you.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker, for a second time. To you and through you to this honorable body, I think it is very important to note that if you take the surcharge language singularly, certainly it may be alarming. However, you have to understand that what we have found in

the last 18 months was not apparent in the 1993 session. The fact that the major cause of these unfunded liabilities was under-collected premiums. What the interim study and the existing study will do is define how that surcharge would be paid, if and only if, the trigger ever went off.

It is true that the Governor is statutorily empowered to fix the system now, but it would not be in a delineated fashion that the interim committee will fashion that is the key. You cannot look at this as one part. You have to look at it as a sum of its parts. The sum of its parts is in census language that the trial lawyers, employers, employees, all the major labor unions of this state have all agreed to. This is the consensus language. It has taken five months to come to this agreement with a lot of hard work by a lot of people in this body and across the hall, and I urge your support.

ASSEMBLYMAN DINI:

Mr. Speaker, when we passed the bill out of here, we took the surcharge out, and on another bill we moved the date on self-insurance until 1999, to your implementation for self-insurance further than we really wanted. So now the small employer can't go anywhere. He is stuck with the surcharge that is not right to impose on the small employers of this state.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. To you and through you to the Republican Floor Leader, is my understanding correct when you said that the benefits for the injured worker would not be the cause of the unfunded liability that the system has had over these years?

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. With all due respect to the Co-Chairman of Government Affairs, what I said was the major cause was under-collected premiums. This has been hammered out over months and months. I don't think we are going to solve this by nit-picking this bill this evening. If people had a concern, they had their chance to voice that concern. I appreciate your opinions, but I think it is time to either vote "Yes" or vote "No." Thank you.

Assemblymen Perkins, Williams and de Braga moved the previous question.

Motion carried.

The question being on the adoption of Assemblyman Nolan's motion to adopt the report of the first Committee on Conference concerning Senate Bill No. 458.

Motion carried on a division of the house.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 545.

The following Senate amendment was read:

Amendment No. 1364.

Amend sec. 8, page 4, line 3, by deleting "*gross*".

Amend sec. 14, page 7, line 36, after "schools" by inserting "*or courses*".

Amend the title of the bill by deleting the first line and inserting: "An Act relating to nursing;".

Assemblyman Spitler moved that the Assembly concur in the Senate amendment to Assembly Bill No. 545.

Remarks by Assemblyman Spitler.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Spitler moved that the Assembly do not recede from its action on Senate Bill No. 344, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Spitler.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Tiffany, Giunchigliani and Brower as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 344.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 377.

The following Senate amendment was read:

Amendment No. 1408.

Amend section 1, page 1, by deleting lines 4 through 7 and inserting: "*ious, charitable or educational purposes if it complies with the provisions of this section.*".

Amend section 1, page 2, line 11, by deleting "*or*".

Amend section 1, page 2, line 12, after "*(3)*" by inserting: "*Provide instruction and disseminate information on subjects beneficial to the community; or*

(4)".

Assemblyman Stroth moved that the Assembly concur in the Senate amendment to Assembly Bill No. 377.

Remarks by Assemblyman Stroth.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Stroth moved that the Assembly recede from its action on Senate Bill No. 338.

Remarks by Assemblyman Stroth.

Motion carried.

Bill ordered transmitted to the Senate.

Assemblyman Williams moved that the Assembly do not recede from its action on Senate Bill No. 85, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Williams.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Williams, Anderson and Tripple as

a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 85.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 548.

The following Senate amendment was read:

Amendment No. 1387.

Amend sec. 14, page 3, by deleting line 43 and inserting:

"Sec. 14. 1. This section, sections 1 to 8, inclusive, and 10 to 13, inclusive, of this act become effective on July 1, 1995.

2. Section 9 of this act becomes effective on July 1, 1996.".

Assemblyman de Braga moved that the Assembly concur in the Senate amendment to Assembly Bill No. 548.

Remarks by Assemblyman de Braga.

Motion carried.

Bill ordered enrolled.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 84 be placed on the General File.

Motion carried.

Assemblyman Ernaut moved that all rules be suspended and that Assembly Bill No. 736 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Ernaut moved that all rules be suspended and that Senate Bill No. 579 be declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 307.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolutions Nos. 51, 52.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Concurrent Resolution No. 31.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 96, 129, 389, 390, 448, 463, 505, 506, 517, 531, 536.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 193.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 199.

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

Motion carried.

Senate Bill No. 556.

Assemblyman Ernaut moved that the bill be referred to the Concurrent Committees on Taxation and Ways and Means.

Motion carried.

Senate Bill No. 578.

Assemblyman Ernaut moved that the bill be referred to the Committee on Taxation.

Motion carried.

Assemblyman Marvel moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 9:46 p.m.

ASSEMBLY IN SESSION

At 9:53 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 547, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

SECOND READING AND AMENDMENT

Assembly Bill No. 388.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1481.

Amend section 1, page 1, between lines 11 and 12 by inserting:

"*3. On or before January 1 of each odd-numbered year, submit a report which describes the programs that the council has developed and expenditures that it has made to the superintendent of public instruction and to the director of the legislative counsel bureau for transmittal to the legislative commission.*".

Amend sec. 2, page 1, by deleting line 14 and inserting: "$60,000 for carrying out its".

Amend the title of the bill, third line, after "money;" by inserting: "requiring the council to submit a report regarding its programs and expenditures;".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions regarding governor's advisory council on education relating to the Holocaust. (BDR 18-1894)".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 422.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1474.

Amend the bill as a whole by deleting sections 1 through 6 and the text of the repealed section and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. That portion of state highway Route No. 375 which is located in Lincoln and Nye counties and abuts the Nellis Air Force Range between Hiko and Warm Springs is hereby designated as "The Extraterrestrial Alien Highway."

2. The director shall:

(a) Install suitable markers reflecting the designation along that portion of state highway Route No. 375 at such locations as he deems appropriate;

(b) Maintain the markers as he deems appropriate; and

(c) Accept contributions to defray the cost of installing and maintaining the markers.".

Amend the bill as a whole by adding a preamble, immediately preceding the enacting clause, to read as follows:

"WHEREAS, The portion of state highway Route No. 375 that is located in Lincoln and Nye counties and abuts the Nellis Air Force Range between Hiko and Warm Springs has received national attention and publicity for its proximity to the mysterious "Area 51"; and

WHEREAS, After many years of denial, the United States Air Force has officially admitted to operating a facility for testing techniques, operations and systems critical to the effectiveness of the military of the United States in "Area 51," a portion of the Nellis Air Force Range near the dry bed of Groom Lake; and

WHEREAS, This remote secret testing facility of the United States Air Force is purported to be the facility at which development and testing was conducted for military aircraft such as the U-2 and SR-71 "Blackbird" spy airplanes and the F-117A Stealth attack airplane that was so effective in the Persian Gulf War of 1990; and

WHEREAS, "Area 51" has become a magnet for hundreds of persons curious about unacknowledged flying objects, such as an alleged new hypersonic airplane, and unidentified flying objects ("UFOs") from outer space; and

WHEREAS, UFO observers speculate that "Area 51" also contains a facility for the storage and study of captured extraterrestrial aircraft and that extraterrestrial aliens actually have visited the small community of Rachel, Nevada, which is located near "Area 51" on state highway Route No. 375; and

WHEREAS, Rachel, Nevada, which is heralded as "Nevada's UFO Capital," has become a mecca for the study of extraterrestrial life, and is the staging area for UFO viewing sites near "Area 51"; and

WHEREAS, Rachel, Nevada, hosts semiannual UFO seminars which attract UFO experts, enthusiasts and watchers from around the world; now, therefore,".

Amend the title of the bill to read as follows:

"An Act relating to highways; designating a portion of state highway Route No. 375 as "The Extraterrestrial Alien Highway"; requiring the director of the department of transportation to install and maintain suitable markers; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Designates portion of state highway as "The Extraterrestrial Alien Highway." (BDR 35-370)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 631.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1454.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 328.450 is hereby amended to read as follows:

328.450 1. The state treasurer shall deposit in the state distributive school account in the state general fund money received in each fiscal year pursuant to 30 U.S.C. § 191 in an amount not to exceed [$10,000,000.] *$7,000,000.*

2. Any amount received in a fiscal year by the state treasurer pursuant to 30 U.S.C. § 191 in excess of [$10,000,000] *$7,000,000* must be deposited in the account for revenue from the lease of federal lands, which is hereby created.

3. The interest and income earned on the money in the account, after deducting any applicable charges, must be credited to the account.".

Amend section 1, page 1, line 4, by deleting the bracket.

Amend section 1, page 1, by deleting lines 5 through 7 and inserting: "general fund.

2. [Fifty] *Seventy-five* percent to the counties from which the fuels, minerals".

Amend section 1, page 1, lines 8 and 9, by deleting the brackets.

Amend section 1, page 1, line 10, by inserting an open bracket before "3.".

Amend section 1, page 1, line 11, by inserting a closed bracket after "state.".

Amend the bill as a whole by deleting sec. 2, renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following section 1, to read as follows:

"Sec. 3. NRS 218.6825 is hereby amended to read as follows:

218.6825 1. There is hereby created in the legislative counsel bureau an interim finance committee composed of the members of the assembly standing committee on ways and means and the senate standing committee on finance during the current or immediately preceding session of the legislature. The immediate past chairman of the senate standing committee on finance is the chairman of the interim finance committee for the period ending with the convening of each even-numbered regular session of the legislature. The immediate past chairman of the assembly standing committee on ways and means is the chairman of the interim finance committee during the next legislative interim, and the chairmanship alternates between the houses of the legislature according to this pattern.

2. If any regular member of the committee informs the secretary that he will be unable to attend a particular meeting, the secretary shall notify the speaker of the assembly or the majority leader of the senate, as the case may be, to appoint an alternate for that meeting from the same house and political party as the absent member.

3. The interim finance committee, except as otherwise provided in subsection 4, may exercise the powers conferred upon it by law only when the legislature is not in regular or special session. The membership of any member who does not become a candidate for reelection or who is defeated for reelection continues until the next session of the legislature is convened.

4. During a regular session the interim finance committee may also perform the duties imposed on it by subsection 5 of NRS 284.115, subsection 2 of NRS 321.335, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100, [subsection 3 of NRS 328.480,] subsection 1 of NRS 341.145, NRS 353.220, 353.224 and 353.335, paragraph (b) of subsection 4 of NRS 407.0762, NRS 428.375, subsection 6 of NRS 445.700 and NRS 538.650. In performing those duties, the senate standing committee on finance and the assembly standing committee on ways and means may meet separately and transmit the results of their respective votes to the chairman of the interim finance committee to determine the action of the interim finance committee as a whole.

5. The director of the legislative counsel bureau shall act as the secretary of the interim finance committee.

6. A majority of the members of the assembly standing committee on ways and means and a majority of the members of the senate standing committee on finance, jointly, may call a meeting of the interim finance committee if the chairman does not do so.

7. In all matters requiring action by the interim finance committee, the vote of the assembly and senate members must be taken separately. An action must not be taken unless it receives the affirmative vote of a majority of the assembly members and a majority of the senate members.

8. Except during a regular or special session of the legislature, each member of the interim finance committee and appointed alternate is entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a committee meeting or is otherwise engaged in committee work plus the per diem allowance provided for state officers and employees generally and the travel expenses provided pursuant to NRS 218.2207. All such compensation must be paid from the contingency fund in the state treasury.

Sec. 4. NRS 328.480 is hereby repealed.".

Amend sec. 3, page 2, by deleting line 6 and inserting:

"Sec. 5. 1. This section and sections 2, 3 and 4 of this act become effective on July 1, 1995.

2. Section 1 of this act becomes effective on July 1, 1996.".

Amend the bill as a whole by adding the text of the repealed section, following sec. 3, to read as follows:

"TEXT OF REPEALED SECTION

328.480 Account for revenue from lease of federal lands: Money received by department of business and industry.

1. Money received by the department of business and industry pursuant to NRS 328.460 must be distributed to agencies and political subdivisions of the state as grants for:

(a) Projects to demonstrate uses for geothermal and solar energy and other alternative sources of energy;

(b) Research to stimulate the use and production of energy from alternative sources;

(c) Projects to assess potential alternative sources of energy;

(d) Projects to increase available supplies of fossil and synthetic fuels and electricity and to increase the stability of those supplies;

(e) Studies of the possible social, economic and environmental effects of the use of alternative sources of energy and means of mitigating those effects;

(f) State and local plans for the development and use of alternative sources of energy;

(g) Projects to convert existing public facilities to the use of alternative sources of energy; and

(h) Establishing a program to provide loans, at low interest or that may be forgiven, to encourage the use of alternative sources of energy.

2. The governing body of any political subdivision may apply to the department of business and industry for a grant pursuant to this section.

3. The director of the department of business and industry shall review all applications for grants and forward his recommendations to the interim finance committee for its approval. The distribution of such grants must be

made without regard to whether fuels, minerals or geothermal resources were extracted from the county in which the political subdivision applying for the grant is located. No money may be committed pursuant to this section until the grant is approved by the interim finance committee.

4. A political subdivision which receives such a grant shall maintain an account for that money separate from other accounts or funds.

5. Any money received by the department of business and industry from the state treasurer pursuant to NRS 328.460 which has not been granted to a political subdivision within 1 year after the date on which that money from the lease of federal lands is received must be returned to the state treasurer and deposited in the state distributive school account in the state general fund.".

Assemblyman Neighbors moved the adoption of the amendment.

Remarks by Assemblyman Neighbors.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Assembly Bill No. 733.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1469.

Amend section 1, page 2, by deleting lines 20 through 26 and inserting:

"4. No recreational vehicle, mobile home or manufactured home may be sold for delinquent rent or rent and utilities until 4 months have elapsed after the first default in payment, and a notice of lien has been served pursuant to subsection 1. *In addition, if the tenant of the mobile home or manufactured home is 65 years of age or older, the home may not be sold unless a notice of the lien is served at the same time and in the same manner upon the aging services division of the department of human resources. The landlord shall, for this purpose, make reasonable inquiries of the tenant to determine whether the tenant is 65 years of age or older.*

5. At least 10 days but not more than 30 days before a sale, a written notice of".

Amend the bill as a whole by adding a new section designated sec. 2, following section 1, to read as follows:

"Sec. 2. Chapter 118B of NRS is hereby amended by adding thereto a new section to read as follows:

Upon payment of the periodic rent by a tenant of a mobile home park, the landlord of that park shall issue, upon request, to the tenant a receipt which indicates the amount and the date of the payment. The landlord shall issue the receipt as soon as practicable after payment, but not later than 5 days after he receives payment.".

Amend the title of the bill, second line, by deleting "recreational vehicle,".

Amend the summary of the bill, second line, by deleting "recreational vehicle,".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 121.

Bill read second time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1490.

Amend section 1, page 1, line 3, by deleting "*1*" and inserting "*0.75*".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. NRS 590.880 is hereby amended to read as follows:

590.880 The costs resulting from a discharge from a storage tank which has a capacity of 1,100 gallons or less and is used to store heating oil for consumption on the same premises where the oil is stored must be paid as follows, to the extent applicable:

1. The first $250 for cleaning up and the first $250 of liability for damages to a person other than this state or the operator of the tank, or both amounts, by the operator.

2. [The] *If necessary to protect the environment or the public health and safety, the* next $250,000 for cleaning up and the next $250,000 for damages to a person other than this state or the operator of the tank, or both amounts, from the fund. These limits apply to any one discharge and to the total for discharges from storage tanks controlled by any one operator in any fiscal year. For the purpose of this limitation, a group of operators more than 50 percent of whose net worth is beneficially owned by the same person or persons constitutes one operator.

3. Any further cost for cleaning up or for damages, by the operator.

Sec. 4. NRS 590.890 is hereby amended to read as follows:

590.890 [The] *If the* costs resulting from a discharge from any other storage tank *exceed $5,000, the costs* must be paid as follows, to the extent applicable:

1. [The first $10,000] *By an operator which is an agency, department, division or political subdivision of the state, 10 percent or $10,000, whichever is less, of the first $1,000,000* for cleaning up and the first [$10,000] *$1,000,000* of liability for damages to any person other than this state or the operator of the tank, or both amounts . [, by the operator.

2. The next $990,000] *Any further cost for cleaning up or for damages must be paid from the fund but the total amount paid from the fund pursuant to this subsection in any one fiscal year for discharges from storage tanks under the control of any one operator must not exceed $1,980,000 for cleaning up and $1,980,000 for damages.*

2. By an operator which is a small business, 10 percent of the first $1,000,000 for cleaning up and the [next $990,000] *first $1,000,000* of liability for damages to a person other than this state or the operator of the tank, or both amounts . [, from the fund.] The total *amount* paid *by an operator pursuant to this subsection must not exceed $50,000, regardless of the number of storage tanks involved. Any further cost for cleaning up or for*

damages must be paid from the fund *but the total amount paid from the fund pursuant to this subsection* in any one fiscal year [on account of] *for* discharges from storage tanks under the control of any one operator must not exceed [$1,980,000] *$1,900,000* for cleaning up and [$1,980,000] *$1,900,000* for damages. For the purpose of this limitation, a group of operators more than 50 percent of whose net worth is beneficially owned by the same person or persons constitutes one operator.

3. *By all other operators, 10 percent of the first $1,000,000 for cleaning up and the first $1,000,000 of liability for damages to a person other than this state or the operator of the tank, or both amounts. Any further cost for cleaning up or for damages must be paid from the fund but the total amount paid from the fund pursuant to this subsection in any one fiscal year for discharges from storage tanks under the control of any one operator must not exceed $1,800,000 for cleaning up and $1,800,000 for damages. For the purpose of this limitation, a group of operators more than 50 percent of whose net worth is beneficially owned by the same person or persons constitutes one operator.*

4. Any further cost for cleaning up or for damages [,] *which is in excess of the amounts paid pursuant to subsections 1, 2 and 3 must be paid* by the operator.

5. A political subdivision of the state that receives money from the fund pursuant to subsection 1 to pay for the costs of cleaning up shall hold one public hearing upon initiation of the clean-up and one public hearing every 3 months thereafter until the clean-up is completed to ensure that the clean-up complies with any requirements of the division concerning the cost-effectiveness of cleaning up. The costs incurred by the political subdivision for the hearing must not be attributed to the political subdivision as part of the costs paid by the political subdivision pursuant to subsection 1.

6. For the purposes of this section, a small business is a business which receives less than $500,000 in gross annual receipts from the site where the tank is located.".

Amend the title of the bill, second line, after the semicolon by inserting: "revising the provisions governing the allocation of costs resulting from the discharge from certain storage tanks;".

Amend the summary of the bill by deleting the period and inserting: "and revises allocation of costs resulting from discharge from certain storage tanks.".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 388.

Bill read second time.

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

Amendment No. 1486.

Amend section 1, page 1, line 10, by deleting "*24*" and inserting "*72*".

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 441.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1472.

Amend sec. 3, page 1, line 4, by deleting "*subsection 2*" and inserting "*this section*".

Amend sec. 3, page 2, line 6, after "*5.*" by inserting: "*The department shall renew the registration of a motor vehicle for which the department has received a notice of nonpayment pursuant to section 7 of this act without collecting the amount set forth in the notice and the administrative fee imposed pursuant to subsection 4 if, before the expiration of the registration, the registered owner requests an extension of time for the payment of that amount and the administrative fee. If the registered owner fails to make such payment to the department within 90 days after the registration is renewed, the department shall rescind and cancel the registration of the motor vehicle.*

6.".

Amend sec. 5, page 2, line 33, after "inclusive," by inserting: "[and] section 2 of [this act,] *Assembly Bill No. 352 of this session*".

Amend sec. 7, page 3, line 45, by deleting "*section*" and inserting: "*sections 3 and*".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblymen Chowning, Anderson, Price and Ernaut.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 442.

Bill read second time.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1451.

Amend sec. 19, page 7, line 13, after "inclusive," by inserting: "and sections 2 to 12, inclusive, of [this act,] *Senate Bill No. 443 of this session*".

Amend sec. 27, page 9, by deleting line 45 and inserting: "motor carrier,] *fully regulated carrier and every operator of a tow car,* within such time and in such amounts as the".

Amend the bill as a whole by adding new sections designated sections 38.3 and 38.5, following sec. 38, to read as follows:

"Sec. 38.3. Section 2 of Senate Bill No. 443 of this session is hereby amended to read as follows:

Sec. 2. The provisions of NRS 706.151 to [706.168,] *706.163,* inclusive, *706.168,* 706.311 to [706.453,] *706.436,* inclusive, 706.471, 706.473, 706.475, 706.6411 to [706.753,] *706.749,* inclusive, and 706.881 to 706.885, inclusive, do not apply to an operator of a tow car.

Sec. 38.5. Section 3 of Senate Bill No. 443 of this session is hereby amended to read as follows:

Sec. 3. 1. In addition to the other requirements of this chapter, each operator of a tow car shall, to protect the health, safety and welfare of the public:

(a) Obtain a certificate of operation from the commission before he provides any services other than those services which he provides as a private motor carrier of property pursuant to the provisions of this chapter;

(b) Use a tow car of sufficient size and weight which is appropriately equipped to transport safely the vehicle which is being towed; and

(c) Comply with the other requirements of sections 2 to 10, inclusive, of [this act.] *Senate Bill No. 443 of this session.*

2. The commission shall issue a certificate of operation to an operator of a tow car if it determines that the applicant:

(a) Complies with the requirements of subsection 1;

(b) Complies with the requirements of the regulations adopted by the commission pursuant to the provisions of this chapter; and

(c) Has provided evidence that he has filed with the commission a liability insurance policy, a certificate of insurance or a bond of a surety and bonding company or other surety required for every [common and contract motor carrier] *operator of a tow car* pursuant to the provisions of NRS 706.291.".

Amend sec. 39, page 16, by deleting lines 44 and 45 and inserting:

"Sec. 39. NRS 706.161, 706.191, 706.401, 706.743, 706.746 and 706.753 are hereby repealed.".

Amend sec. 40, page 16, by deleting line 46 and inserting:

"Sec. 40. 1. This section and sections 1 to 18, inclusive, 20 to 38, inclusive, and 39 of this act become effective on July 1, 1995.

2. Sections 19, 38.3 and 38.5 of this act become effective at 12:01 a.m. on July 1, 1995.".

Amend the leadlines of repealed sections by deleting the leadlines of NRS 706.446, 706.447, 706.448, 706.451 and 706.453.

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 550.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1499.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 1, by deleting lines 16 through 23 and inserting: "ing or other structure in this state must be in compliance with the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials in the form most recently adopted by that association [before January 1, 1991.] , *unless the state public works board posts a notice of disapproval of any amendment to the Code pursuant to subsection 5.*".

Amend sec. 2, page 2, line 2, by deleting: "*or the International Plumbing Code*".

Amend sec. 2, page 2, by deleting lines 13 and 14 and inserting: "standards set forth in the Uniform Plumbing Code. As used in this subsection, "facility used by members of the".

Amend sec. 2, page 2, lines 25 and 26, by deleting: "*and the International Plumbing Code*".

Amend the bill as a whole by deleting sections 3 and 4 and adding a new section designated sec. 2, following sec. 2, to read as follows:

"Sec. 2. Section 1 of Senate Bill No. 477 of this session is hereby amended to read as follows:

Section 1. NRS 444.350 is hereby amended to read as follows:

444.350 1. Any construction, alteration or change in the use of a building or other structure in this state must be in compliance with the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials in the form most recently adopted by that association, unless the state public works board posts a notice of disapproval of any amendment to the Code pursuant to subsection 5.

2. Any city or county may adopt such modifications as are deemed reasonably necessary because of its geographic, topographic or climatic conditions. Any city or county desiring to make changes to the Uniform Plumbing Code must, before its adoption, submit the code with the proposed amendments to the state public works board.

3. No city or county may allow the use of any solder or flux that contains more than 0.2 percent lead or allow the use of any pipe or pipe fitting that contains more than 8 percent lead in the installation or repair of a public water system or any residence or facility connected to a public water system. As used in this subsection, "public water system" has the meaning ascribed to it in NRS 445.376.

4. A facility used by members of the public whose construction or renovation begins on or after January 1, 1994, must provide on its premises a sufficient number of water closets and urinals to comply with the minimum standards set forth in the Uniform Plumbing Code. As used in this subsection, "facility used by members of the public" means any motion picture house, theater, concert hall, community [or convention] hall, sports arena, stadium, ski resort or other permanent place of exhibition or entertaining to which members of the public are invited or which is intended for public use. The term does not include:

(a) A hotel as defined in NRS 447.010.

(b) A food establishment as defined in NRS 446.020.

(c) A children's camp as defined in NRS 444.220.

(d) A historic structure as defined in NRS 244A.6825.

(e) A public or private school.

(f) A convention hall.

5. The chairman of the state public works board or his designee shall review each amendment to the Uniform Plumbing Code and approve or disapprove of the amendment for use in Nevada. If the chairman does not post a notice of disapproval within 30 days after an amendment is published, the amendment shall be deemed approved for this state.

6. As used in this section, unless the context otherwise requires, "convention hall" means a facility which incorporates both space for exhibitions and a substantial number of smaller spaces for meetings, and which is primarily for use by trade shows, public shows, conventions or related activities.".

Amend the bill as a whole by renumbering sec. 5 as sec. 3.

Amend the title of the bill to read as follows: "An Act relating to sanitation; revising the provisions governing the use of the Uniform Plumbing Code; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing use of Uniform Plumbing Code. (BDR 40-854)".

Assemblyman Goldwater moved the adoption of the amendment.

Remarks by Assemblyman Goldwater.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 560.

Bill read second time.

The following amendment was proposed by the Committee on Health and Human Services:

Amendment No. 1438.

Amend sec. 3, page 2, by deleting line 7 and inserting: "*as determined in accordance with 42 U.S.C. § 1382c; or*".

Amend sec. 5, page 3, by deleting line 28 and inserting: "*determined in accordance with 42 U.S.C. § 1382c; and*".

Amend the bill as a whole by adding new sections designated sections 5.1 to 5.5, inclusive, following sec. 5, to read as follows:

"Sec. 5.1. NRS 428.015 is hereby amended to read as follows:

428.015 1. The board of county commissioners shall adopt an ordinance and any related policies which establish the *requirements and* standards of eligibility for medical and financial assistance to indigent persons. The ordinance and policies must specify the allowable income, assets and other resources or potential resources of persons eligible for assistance [.] , *and any other requirements applicable to an applicant for assistance.* The board of county commissioners shall file the ordinance and policies with the

secretary of state within 30 days after adoption . [, but not later than July 1, 1988.] Any amendment to the ordinance or policies must be filed with the secretary of state within 30 days after adoption.

2. A county's standards of eligibility for medical assistance must not deny eligibility to a person living in a household which has a total monthly income of less than:

(a) For one person living without another member of a household, $438.

(b) For two persons, $588.

(c) For three or more persons, $588 plus $150 for each person in the family in excess of two.

For the purposes of this subsection, "income" includes the entire income of a household and the amount which a county projects a person or household is able to earn. "Household" is limited to a person and his spouse, parents, children, brothers and sisters residing with him.

3. A county's program of medical assistance to indigent persons must provide payment for:

(a) Emergency medical care; and

(b) All other medically necessary care rendered in a medical facility designated by the county.

4. As used in this section [, "emergency] *:*

(a) "Emergency medical care" means any care for an urgent medical condition which is likely to result in serious and permanent bodily disability or death if the patient is transported to a medical facility designated by the county.

(b) "Medically necessary care" does not include any experimental or investigative medical care which is not covered by Medicaid or Medicare.

Sec. 5.3. NRS 428.030 is hereby amended to read as follows:

428.030 1. When any person meets the uniform standards of eligibility established by the board of county commissioners or by NRS 439B.310, if applicable, [then] *and complies with any requirements imposed pursuant to NRS 428.040,* he is entitled to receive such relief as is in accordance with the policies and standards established and approved by the board of county commissioners and within the limits of the money which may be lawfully appropriated pursuant to NRS 428.050, 428.285 and 450.425 for this purpose.

2. The board of county commissioners of the county of residence of indigent inpatients shall pay hospitals for the costs of treating those indigent inpatients and any nonresident indigent inpatients who fall sick in the county an amount which is not less than the payment required for providing the same treatment to patients pursuant to the state plan for assistance to the medically indigent, within the limits of money which may be lawfully appropriated pursuant to NRS 428.050, 428.285 and 450.425 for this purpose.

3. The board of county commissioners may:

(a) Make contracts for the necessary maintenance of indigent persons;

(b) Appoint such agents as the board deems necessary to oversee and provide the necessary maintenance of indigent persons;

(c) Authorize the payment of cash grants directly to indigent persons for their necessary maintenance; or

(d) Provide for the necessary maintenance of indigent persons by the exercise of the combination of one or more of the powers specified in paragraphs (a), (b) and (c).

4. A hospital may contract with the department of human resources to obtain the services of a state employee to be assigned to the hospital to evaluate the eligibility of patients applying for indigent status. Payment for those services must be made by the hospital.

Sec. 5.5. NRS 428.040 is hereby amended to read as follows:

428.040 When an application is made by an indigent person to the board of county commissioners of any county for relief, the board of county commissioners shall require the indigent person to [provide] *:*

1. Provide the information necessary to determine his county of residence or nonresident status.

2. Provide the information necessary to determine his financial condition and eligibility for medical and financial assistance.

3. Cooperate fully in applying for any federal or state assistance for which he may be eligible.".

Amend the title of the bill, third line, after "recipient;" by inserting: "revising the provisions governing the requirements for county assistance to indigent persons;".

Amend the summary of the bill, first line, by deleting "recipient." and inserting: "recipient and revises provisions governing requirements for county assistance to indigent persons.".

Assemblyman Freeman moved the adoption of the amendment.

Remarks by Assemblyman Freeman.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 299.

Bill read second time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1498.

Amend sec. 3, page 1, line 17, after "*permit*" by inserting: "*for no more than two specific firearms*".

Amend sec. 3, page 2, by deleting lines 6 and 7 and inserting: "*Such a course must include instruction in the use of each firearm to which the application pertains and in the laws of this state relating to the proper use of a firearm.*".

Amend sec. 3, page 2, by deleting lines 11 and 12 and inserting: "*(b) Has been judicially declared incompetent or insane.*".

Amend sec. 3, page 2, by deleting lines 18 and 19 and inserting: "*controlled substance if, during the immediately preceding 5 years, he has been:*

(1) Convicted of violating the provisions of NRS 484.379; or

(2) Committed for treatment pursuant to NRS 458.290 to 458.350, inclusive.".

Amend sec. 3, page 2, line 26, by deleting "*stalking.*" and inserting: "*stalking, or is currently subject to a restraining order, injunction or other order for protection against domestic violence.*".

Amend sec. 3, page 2, by deleting lines 29 through 33 and inserting:

"*(i) Has, within the immediately preceding 5 years, been subject to any requirements imposed by a court of this state or of any other state or territory or possession of the United States, as a condition to the court's:*

(1) Withholding of the entry of judgment for his conviction of a felony; or

(2) Suspension of his sentence for the conviction of a felony.

(j) Has made a false statement on any application for a permit or for the renewal of a permit.

4. The sheriff may deny an application or revoke a permit if he receives a sworn affidavit stating articulable facts based upon personal knowledge from any natural person who is 18 years of age or older that the applicant or permittee has or may have committed an offense or engaged in any other activity specified in subsection 3 which would preclude the issuance of a permit to the applicant or require the revocation of a permit pursuant to this section.".

Amend sec. 3, page 2, line 38, after "*violence,*" by inserting: "*the conviction for which would require the revocation of a permit or preclude the issuance of a permit to the applicant pursuant to this section,*".

Amend sec. 3, page 2, line 46, by deleting "*birth and*" and inserting: "*birth, social security number,*".

Amend sec. 3, page 3, by deleting lines 1 through 8 and inserting:

"*(b) A complete set of the applicant's fingerprints taken by the sheriff or his agent;*

(c) A front-view colored photograph of the applicant taken by the sheriff or his agent;

(d) The applicant's driver's license number or identification card number issued by the department;

(e) The make, model and caliber of each firearm to which the application pertains;

(f) A nonrefundable fee in the amount necessary to obtain the report required pursuant to subsection 1 of section 4 of this act; and

(g) A nonrefundable fee set by the sheriff not to exceed $60.".

Amend sec. 4, page 3, line 14, by deleting "*fingerprints.*" and inserting: "*criminal history of the applicant.*".

Amend sec. 4, page 3, line 43, by deleting "*Type*" and inserting: "*Make, model and caliber*".

Amend sec. 5, page 4, by deleting line 5 and inserting: "*filing a petition in the district court for the county in which the applicant*".

Amend sec. 10, page 5, by deleting line 17 and inserting: "*in which the fees are collected and:*

1. If the county has a metropolitan police department created pursuant to chapter 280 of NRS, credited to the general fund of that metropolitan police department; or

2. *If the county does not have a metropolitan police department created pursuant to chapter 280 of NRS, credited to the general fund of that county.*".

Amend sec. 12, page 5, by deleting lines 37 through 40 and inserting:

"202.253 As used in NRS 202.255 to 202.360, inclusive [:] , *202.365 and sections 2 to 11, inclusive, of this act:*

1. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

2. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

3. "Motor vehicle" means every vehicle that is self-propelled.".

Amend sec. 13, page 5, by deleting lines 42 and 43 and inserting:

"202.350 1. It is unlawful for a person within this state to:".

Amend sec. 13, page 6, by deleting line 1 and inserting:

"(b) Except as otherwise provided in subsection 4 [,] *and sections 2 to 11, inclusive, of this act,* carry concealed upon his person any:".

Amend sec. 13, page 6, line 8, by deleting "for any" and inserting "for a".

Amend sec. 13, page 6, by deleting line 12 and inserting: "3. Except as otherwise provided in NRS 202.275 and 212.185, a person".

Amend sec. 13, page 6, by deleting lines 15 through 17 and inserting:

"(b) For any subsequent offense, of a category D felony, and shall be punished as provided in NRS 193.130.".

Amend sec. 13, page 6, line 23, by deleting "to any" and inserting "to a".

Assemblyman Humke moved the adoption of the amendment.

Remarks by Assemblyman Humke.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which was referred Senate Bill No. 249, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

CHRIS GIUNCHIGLIANI, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Concurrent Resolution No. 53—Limiting the number of requests that may be submitted to the Legislative Counsel during the interim for drafting and directing the completion of 1,000 bill drafts before the first day of the 69th session of the Nevada Legislature.

Assemblyman Close moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Assemblyman Ernaut moved that Senate Bill No. 420 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 736.

Bill read third time.

Remarks by Assemblymen Marvel and Giunchigliani.

Roll call on Assembly Bill No. 736:

YEAS—23.

NAYS—Anderson, Bache, Batten, Bennett, Braunlin, Brower, Buckley, Close, Ernaut, Freeman, Giunchigliani, Lambert, Manendo, Ohrenschall, Sandoval, Spitler, Steel—17.

Not voting—Evans, Humke—2.

Assembly Bill No. 736 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 579.

Bill read third time.

Remarks by Assemblymen Arberry, Anderson, Freeman and Schneider.

Assemblyman Ernaut requested that the following remarks be entered in the Journal.

ASSEMBLYMAN ARBERRY:

Thank you, Mr. Speaker. Senate Bill No. 579 makes an appropriation to the Division of Museums and History and also makes an appropriation to prenatal care. It also deals with the state water engineer so that they can establish a statewide water rights program. It also deals with the retired senior citizens' volunteer program and also with the well at the China Springs Youth camp. We would appreciate your support.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I do intend to vote for the bill. I do see that there is money in this bill for a sound wall in Las Vegas. I had a bill in Transportation that I was asking for money for a sound wall in Reno that is badly needed. Perhaps, I can get it two years from now.

ASSEMBLYMAN SCHNEIDER:

Yes, Mr. Speaker. I rise in opposition of Senate Bill No. 579. This is the "pork bill." We have been sent here to do a job. We are funding $3.2 million on this bill for an automobile museum that I could buy for $10 million and cash the city out.

But, regardless of that, yesterday in the paper a story was written about Vicki High. She needs a heart transplant, and we have several of these in our state. We have a surplus of money right now and that is why the "pork bill" is here, and we have it rolling here at almost 10:30 p.m. on Friday evening. I think that the people sent us up here to do more than this.

I think that we have not worked at social issues quite enough this time. You know, to fund heart transplants for people in the State of Nevada, it is estimated that over the biennium there would be five people eligible in this state for heart transplants, 40 other states provide this under Medicaid. It would cost us approximately $500,000. That is the

latest figure to come out. Currently, we spend $300,000-$400,000 a day to keep people alive and Medicaid pays for this in treatments and hospitals. Those people are going to die anyway.

We have people that can become productive citizens. Eighty percent of all heart transplants are successful. I think that we need to look at that. They can go back, be returned to society and be a productive member of society. Any one of us could be eligible for a heart transplant. A major operation like this would wipe out anybody, financially. This is not an appeal for an extension of welfare. It is a statement that we surely have better places to spend the millions of dollars.

It is a statement that exposes "pork" for what it really is. It is a statement that demands a return to a legislative process for the public and the legislature as a whole and participate in the process of how we spend our dollars. A very large share of the dollars at issue comes from Clark County. We have friends and neighbors in Clark County that need our help. I think it is time we stood up and gave them that help. I oppose this bill in the absence of doing what is right. I am not a great orator like my colleague from Assembly District No. 6, but let me quote someone who had something good to say about society, Sir Walter Scott, "The race of mankind would perish should they cease to aid each other." We do not exist without mutual help. People that need aid have a right to ask for it from their fellowmen, and no one who has the power of granting can refuse without guilt.

Mr. Speaker, there is guilt hanging above your chamber here tonight. I cannot vote on this bill. Therefore, Mr. Speaker, I would like to remove this from the General File and place it on the Chief Clerk's desk for the purpose of an amendment.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. With all due respect to the Chairman of Economic Development and Tourism, I think that the remarks previously are grossly unfair. I take great umbrage with them.

I think they smack of demagoguery and think that they are disrespectful to this process and disrespectful to the money committees that have worked hard on this budget. Let's stick to the facts here. This is the session that has not increased taxes. This is a session that taxes a $70 million hole in the second year of the biennium. This is the session that had 10 new tax exemptions and four repealed taxes outright. There are needed projects across this state.

You can call it "pork;" you can call it a necessary appropriation. The people count on us for needed projects all across this state and this process is one of give and take; one of compromise and one of negotiation. To call all of us into question over that is absolutely irresponsible. These are difficult measures to vote on, but they are necessary for the people across this state. This money committee and this legislature worked very hard to prioritize those and bring them to the floor today. I urge your support of Senate Bill No. 579. Thank you.

ASSEMBLYMAN MONAGHAN:

Thank you, Mr. Speaker. I rise in support of this bill. I do not call retired senior volunteer programs "pork." I do not call lifeline pregnancy assistance and vocational training "pork." I do not call monies for search and rescue in Clark County "pork." Purchases for equipment and supplies to help identify victims of mass disaster is not "pork." They are needed programs. I urge your support.

Assemblyman Schneider moved that Senate Bill No. 579 be taken from the General File and placed on the Chief Clerk's desk.

Motion lost.

Remarks by Assemblymen Ernaut and Monaghan.

Assemblymen Perkins, Williams and Bennett moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 579.

Assemblymen Price, Manendo and Giunchigliani requested a roll call on Assemblyman Perkins' motion.

Roll call on Assemblyman Perkins' motion:

YEAS—29.

NAYS—Allard, Bache, Buckley, Chowning, Giunchigliani, Harrington, Krenzer, Manendo, Ohrenschall, Price, Schneider, Segerblom, Spitler—13.

The motion having received a majority, Mr. Speaker declared it carried.

Roll call on Senate Bill No. 579:

YEAS—26.

NAYS—Anderson, Bache, Brower, Buckley, Close, de Braga, Evans, Giunchigliani, Harrington, Krenzer, Manendo, Ohrenschall, Price, Schneider, Segerblom, Spitler—16.

Senate Bill No. 579 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 84.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Senate Bill No. 84:

YEAS—32.

NAYS—Anderson, Batten, Bennett, Braunlin, Evans, Giunchigliani, Lambert, Manendo, Steel, Tiffany—10.

Senate Bill No. 84 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 547.

Bill read third time.

Remarks by Assemblyman Evans.

Roll call on Senate Bill No. 547:

YEAS—41.

NAYS—None.

Not voting—Harrington.

Senate Bill No. 547 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 249.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Bennett.

Roll call on Senate Bill No. 249:

YEAS—42.

NAYS—None.

Senate Bill No. 249 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 420.

Bill read third time.

The following amendment was proposed by Assemblyman Ernaut:

Amendment No. 1504.

Amend sec. 4, page 1, by deleting lines 19 through 21 and inserting:

"*3. For the purposes of this section, a member of the general public does not include any person who:*

(a) Gathers information for communication to the public;

(b) Is employed or engaged by or has contracted with a newspaper, periodical, press association or radio or television station; and

(c) Is acting solely within his professional capacity.".

Assemblyman Ernaut moved the adoption of the amendment.

Remarks by Assemblymen Ernaut, Price and Close.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 621.

The following Senate amendment was read:

Amendment No. 1425.

Amend the bill as a whole by deleting sections 33 through 40 and inserting:

"Secs. 33-40. (Deleted by amendment.)".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Bill No. 621.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 650.

The following Senate amendment was read:

Amendment No. 1439.

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

"Section 1. NRS 125.510 is hereby amended to read as follows:

125.510 1. In determining the custody of a minor child in an action brought under this chapter, the court may:

(a) During the pendency of the action, at the final hearing or at any time thereafter during the minority of any of the children of the marriage, make such an order for the custody, care, education, maintenance and support of the minor children as appears in their best interest; and

(b) At any time modify or vacate its order, even if the divorce was obtained by default without an appearance in the action by one of the parties.

The party seeking such an order shall submit to the jurisdiction of the court for the purposes of this subsection. The court may make such an order upon the application of one of the parties or the legal guardian of the minor.

2. Any order for joint custody may be modified or terminated by the court upon the petition of one or both parents or on the court's own motion if it is shown that the best interest of the child requires the modification or termination. The court shall state in its decision the reasons for the order of modification or termination if either parent opposes it.

3. Any order for custody of a minor child or children of a marriage entered by a court of another state may, subject to the jurisdictional requirements in chapter 125A of NRS, be modified at any time to an order of joint custody.

4. A party may proceed pursuant to this section without counsel.

5. Any order awarding a party a limited right of custody to a child must define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved. The order must include all specific times and other terms of the limited right of custody. As used in this subsection, "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

6. All orders authorized by this section must be made in accordance with the provisions of chapter 125A of NRS and must contain the following language:

> PENALTY FOR VIOLATION OF ORDER: THE ABDUCTION, CONCEALMENT OR DETENTION OF A CHILD IN VIOLATION OF THIS ORDER IS PUNISHABLE AS A CATEGORY D FELONY AS PROVIDED IN NRS 193.130. NRS 200.359 provides that every person having a limited right of custody to a child or any parent having no right of custody to the child who willfully detains, conceals or removes the child from a parent, guardian or other person having lawful custody or a right of visitation of the child in violation of an order of this court, or removes the child from the jurisdiction of the court without the consent of either the court or all persons who have the right to custody or visitation is subject to being punished for a category D felony as provided in NRS 193.130.

7. *In addition to the language required pursuant to subsection 6, all orders authorized by this section must specify that the terms of the Hague Convention of October 25, 1980, adopted by the 14th Session of the Hague Conference on Private International Law, apply if a parent abducts or wrongfully retains a child in a foreign country.*

8. *If a parent of the child lives in a foreign country or has significant commitments in a foreign country:*

(a) The parties may agree, and the court shall include in the order for custody of the child, that the United States is the country of habitual residence of the child for the purposes of applying the terms of the Hague Convention as set forth in subsection 7.

(b) Upon motion of one of the parties, the court may order the parent to post a bond if the court determines that the parent poses an imminent risk of wrongfully removing or concealing the child outside the country of habitual

residence. The bond must be in an amount determined by the court and may be used only to pay for the cost of locating the child and returning him to his habitual residence if the child is wrongfully removed from or concealed outside the country of habitual residence. The fact that a parent has significant commitments in a foreign country does not create a presumption that the parent poses an imminent risk of wrongfully removing or concealing the child.

9. Except where a contract providing otherwise has been executed pursuant to NRS 123.080, the obligation for care, education, maintenance and support of any minor child created by any order entered pursuant to this section ceases:

(a) Upon the death of the person to whom the order was directed; or

(b) When the child reaches 18 years of age if he is no longer enrolled in high school, otherwise, when he reaches 19 years of age.

10. As used in this section, a parent has "significant commitments in a foreign country" if he:

(a) Is a citizen of a foreign country;

(b) Possesses a passport in his name from a foreign country;

(c) Became a citizen of the United States after marrying the other parent of the child; or

(d) Frequently travels to a foreign country.

Sec. 2. NRS 125A.290 is hereby amended to read as follows:

125A.290 *1.* Any order awarding a party a right of visitation of a minor child must [define] *:*

(a) Define that right with sufficient particularity to ensure that the rights of the parties can be properly enforced and that the best interest of the child is achieved [.] *; and*

(b) Specify that the State of Nevada or the state where the child resides within the United States of America is the habitual residence of the child. The order must include all specific times and other terms of the right of visitation.

2. As used in this [subsection,] *section,* "sufficient particularity" means a statement of the rights in absolute terms and not by the use of the term "reasonable" or other similar term which is susceptible to different interpretations by the parties.

Sec. 3. This act becomes effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Humke moved that the Assembly concur in the Senate amendment to Assembly Bill No. 650.

Remarks by Assemblyman Humke.

Motion carried.

Bill ordered enrolled.

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 50, 117, 118, 122, 134, 153, 176, 181, 192, 258, 330, 352, 393, 412, 437, 452, 486, 518, 562, 566, 580, 582, 587, 602, 607, 610, 622, 625,

696, 643, 658, 709, 710, 717, 720, 722; Assembly Concurrent Resolutions Nos. 46, 50; Senate Bills Nos. 57, 72, 234, 283, 298, 303, 324, 358, 371, 386, 468, 474, 482, 497, 498, 519, 571; Senate Concurrent Resolution No. 62.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Nolan, the privilege of the floor of the Assembly Chamber for this day was extended to James M. Nolan.

On request of Assemblyman Sandoval, the privilege of the floor of the Assembly Chamber for this day was extended to Kathleen Sandoval, James Brian Sandoval and Jean Teipner.

Assemblyman Ernaut moved that the Assembly adjourn until Saturday, July 1, 1995 at 10:30 a.m.

Motion carried.

Assembly adjourned at 10:45 p.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-SEVENTH DAY

CARSON CITY (Saturday), July 1, 1995

Assembly called to order at 11:09 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend David Camp.

Almighty and Eternal God, we turn to You in praise and thanksgiving for all Your good gifts and challenges of life. Lord, as we come to the end of this legislative session, we pray Your good blessings upon each member of this Assembly. For all their long and arduous labor, we give thanks. May their work have not been in vain.

In the name of the Creator, Redeemer and Sustainer of life. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Senate Bill No. 490, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Assembly Bill No. 175, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, but without recommendation.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 199, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Government Affairs, to which was referred Senate Bill No. 101, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOAN A. LAMBERT, *Chairman*
DOUGLAS A. BACHE, *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 569, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, June 30, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Senate Concurrent Resolutions Nos. 30, 40, 52, 59.

MARY JO MONGELLI
Assistant Secretary of the Senate

Assemblyman Anderson moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:14 a.m.

ASSEMBLY IN SESSION

At 12:06 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 388, 422; Senate Bills Nos. 322, 341, 489 be placed on the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 739, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 740, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 538, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA TIFFANY, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 218, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Senate Concurrent Resolution No. 30.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Concurrent Resolution No. 40.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Concurrent Resolution No. 52.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

Senate Concurrent Resolution No. 59.

Assemblyman Perkins moved that the resolution be referred to the Committee on Elections and Procedures.

Motion carried.

INTRODUCTION, FIRST READING AND REFERENCE

By the Committee on Judiciary:

Assembly Bill No. 743—An Act relating to gaming; limiting the expansion of gaming operations of certain establishments in certain counties; and providing other matters properly relating thereto.

Assemblyman Anderson moved that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 148.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1435.

Amend the bill as a whole by deleting section 1 and renumbering sec. 2 as section 1.

Amend sec. 2, page 1, by deleting line 3 and inserting:

"Section 1. Chapter 548 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The commission shall adopt regulations which establish a pro-".

Amend the bill as a whole by deleting sec. 3 and renumbering sections 4 through 7 as sections 2 through 5.

Amend sec. 5, page 4, line 9, by deleting "1.".

Amend sec. 5, page 4, line 11, after "for" by inserting "equal".

Amend sec. 5, page 4, line 12, by deleting "2" and inserting "1".

Amend sec. 5, page 4, line 13, by deleting "$140,000" and inserting "$85,000".

Amend sec. 5, page 4, line 14, by deleting "$140,000" and inserting "$85,000".

Amend sec. 5, page 4, by deleting lines 15 through 20.

Amend sec. 6, page 4, line 21, by deleting "5" and inserting "3".

Amend the title of the bill, first line, by deleting "programs" and inserting "a program".

Amend the summary of the bill, first line, by deleting "programs" and inserting "program".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 282.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Assembly Bill No. 282:

YEAS—29.

NAYS—Allard, Braunlin, Carpenter, Ernaut, Harrington, Monaghan, Nolan, Sandoval, Schneider, Steel, Stroth, Tripple—12.

Not voting—Spitler.

Assembly Bill No. 282 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 331.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1446.

Amend sec. 5, page 3, by deleting line 13 and inserting:

"686A.291 [A person who knowingly and willfully:".

Amend sec. 5, page 3, line 22, by deleting "any person's" and inserting "a person's".

Amend sec. 5, page 3, by deleting lines 24 and 25 and inserting:

"*1. A person commits insurance fraud if he knowingly and willfully:*

(a) Presents or causes to be presented any state-".

Amend sec. 5, page 3, lines 44 and 45, by deleting: "*knowingly and willfully*".

Amend sec. 5, page 4, by deleting line 1 and inserting: "*(f) Accepts any proceeds or other benefits under a*".

Amend sec. 5, page 4, by deleting lines 4 through 7 and inserting:

"2. *A person who commits insurance fraud* is guilty of a Category D felony and shall be punished as provided in NRS 193.130.".

Assemblyman Tiffany moved the adoption of the amendment.

Remarks by Assemblyman Tiffany.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 487.

Bill read third time.

Remarks by Assemblymen Evans and Freeman.

Roll call on Assembly Bill No. 487:

YEAS—42.

NAYS—None.

Assembly Bill No. 487 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 702.

Bill read third time.

Remarks by Assemblymen Stroth, Ernaut, Carpenter and Neighbors.

Roll call on Assembly Bill No. 702:

YEAS—39.

NAYS—Batten.

Not voting—Ernaut, Goldwater—2.

Assembly Bill No. 702 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 388.

Bill read third time.

Remarks by Assemblyman Spitler.

Roll call on Assembly Bill No. 388:

YEAS—42.

NAYS—None.

Assembly Bill No. 388 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 422.

Bill read third time.

Remarks by Assemblyman Price.

Assemblyman Price moved that Assembly Bill No. 422 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

Senate Bill No. 322.

Bill read third time.

Remarks by Assemblymen Chowning and Giunchigliani.

Assemblyman Chowning moved that Senate Bill No. 322 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 356.

The following Senate amendment was read:

Amendment No. 1236.

Amend section 1, pages 1 and 2, by deleting lines 2 through 25 on page 1 and lines 1 through 8 on page 2 and inserting:

"350.0051 1. In determining whether to approve or disapprove a proposal to incur debt or to levy a special elective tax, the commission shall not, except as otherwise provided in paragraph (d), [undertake to determine whether the purpose for which it is proposed to incur the debt or levy the special elective tax is a public purpose or meets] *initiate a determination as to whether the proposed debt or special elective tax is sought to accomplish a public purpose or to satisfy* a public need. The commission shall consider, but is not limited to, the following criteria:

(a) If the proposal is to incur debt, the amount of debt outstanding on the part of the municipality proposing to incur the debt.

(b) The effect of the tax levy required for debt service on the proposed debt, or of the proposed levy of a special elective tax, upon the ability of the municipality proposing to incur the general obligation debt or levy the special elective tax and of other municipalities to raise revenue for operating purposes.

(c) The anticipated need for other incurrences of debt or levies of special elective taxes by the municipality proposing to incur the debt or levy the special elective tax and other municipalities whose tax-levying powers overlap, as shown by the county or regional master plan, if any, and by other available information.

(d) If the information set forth in paragraph (b) of subsection 4 of NRS 350.004 indicates that the proposal would result in a combined property tax rate in any of the overlapping entities within the county which exceeds 90 percent of the limit provided in NRS 361.453:

(1) The public need to be served by the proceeds from the proposed debt or tax levy; and

(2) A comparison of that public need and other public needs that appear on the statements of current and contemplated general obligation debt and special elective taxes submitted pursuant to paragraph (a) of subsection 1 of NRS 350.0035 that may affect the combined property tax rate in any of the overlapping entities within the county.

2. If the commission approves the proposal, the amount received from the sale of the general obligation debt or from the special elective tax may be expended only for the purposes described in the proposal.".

Amend the bill as a whole by renumbering sections 3 and 4 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. Section 1 of Assembly Bill No. 281 of this session is hereby amended to read as follows:

Section 1. NRS 350.020 is hereby amended to read as follows:

350.020 1. Except as otherwise permitted by subsection 3, when any municipality proposes to issue or incur general obligations, the proposal must be submitted to the electors of the municipality at a special election called for that purpose or the next primary or general municipal election or primary or general state election.

2. A special election may be held only if the governing body of the municipality determines, by a unanimous vote, that an emergency

exists. The determination made by the governing body is conclusive unless it is shown that the governing body acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the governing body must be commenced within 15 days after the governing body's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the governing body of the municipality to prevent or mitigate a substantial financial loss to the municipality or to enable the governing body to provide an essential service to the residents of the municipality.

3. If payment of a general obligation of the municipality is additionally secured by a pledge of gross or net revenue of a project to be financed by its issue, and the governing body determines, *by an affirmative vote of two-thirds of the members elected to the governing body,* that the pledged revenue will at least equal the amount required in each year for the payment of interest and principal, without regard to any option reserved by the municipality for early redemption, the municipality may, after a public hearing, incur this general obligation without an election unless, within 60 days after publication of a resolution of intent to issue the bonds, a petition is presented to the governing body signed by not less than 5 percent of the registered voters of the municipality who together with any corporate petitioners own not less than 2 percent in assessed value of the taxable property of the municipality. *Any member elected to the governing body whose authority to vote is limited by charter, statute or otherwise may vote on the determination required to be made by the governing body pursuant to this subsection.* The determination by the governing body becomes conclusive on the last day for filing the petition. For the purpose of this subsection, the number of registered voters must be determined as of the close of registration for the last preceding general election and assessed values must be determined from the next preceding final assessment roll. An authorized corporate officer may sign such a petition whether or not he is a registered voter. The resolution of intent need not be published in full, but the publication must include the amount of the obligation and the purpose for which it is to be incurred. Notice of the public hearing must be published at least 10 days before the day of the hearing. The publications must be made once in a newspaper of general circulation in the municipality. When published, the notice of the public hearing must be at least as large as 5 inches high by 4 inches wide.

4. A municipality may issue special obligations without an election.".

Amend sec. 3, page 3, by deleting line 3 and inserting: "1. A general obligation authorized pursuant to NRS 350.020 on or before July 1,".

Amend sec. 4, page 3, by deleting line 7 and inserting:

"Sec. 5. 1. This section and sections 2, 3 and 4 of this act become effective on July 1, 1995.

2. Section 1 of this act becomes effective at 12:01 a.m. on July 1, 1995.".

Amend the title of the bill by deleting the first line and inserting:

"An Act relating to municipal obligations; clarifying the duties of debt management".

Assemblyman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 356.

Remarks by Assemblyman Lambert.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 561.

The following Senate amendment was read:

Amendment No. 1307.

Amend sec. 15, page 5, by deleting lines 25 through 30 and inserting:

"538.041 As used in NRS 538.041 to 538.251, inclusive, and sections 5, 6 and 7 of [this act,] *Assembly Bill No. 542 of this session and section 14 of this act,* unless the context otherwise requires:

1. "Colorado River" means the Colorado River and all of the tributaries of the river.

2. "Commission" means the Colorado River commission.

3. "Commissioner" means a commissioner of the Colorado River commission.

4. "Director" means the director of the Colorado River commission.

5. "Southern Nevada Water Authority" means the political subdivision of the State of Nevada created on July 25, 1991, by a cooperative agreement entered into on that date pursuant to the provisions of NRS 277.080 to 277.180, inclusive.

6. "Supplemental water" means water from any source which, if acquired, would allow water to be used consumptively from the mainstream of the Colorado River in excess of Nevada's apportionment pursuant to the Boulder Canyon Project Act of 1928. The term does not include water from:

(a) Lake Tahoe;

(b) The Truckee, Carson or Walker river;

(c) Any ground water within the State of Nevada, other than ground water within Clark County; or

(d) Any surface water within the State of Nevada or that flows into the State of Nevada, other than the waters of the Colorado River,

unless the state engineer authorizes the transfer of that water to the Colorado River pursuant to the provisions of this chapter or chapter 532, 533 or 534 of NRS.

7. "Water purveyor" means a public entity created by or pursuant to the laws of this state which:

(a) Is engaged in:

(1) The acquisition of water on behalf of, or the delivery of water to, another water purveyor; or

(2) The retail delivery of water in this state; and

(b) Is not a member of another such public entity that is itself engaged in the activities described in paragraph (a).".

Assemblyman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 561.

Remarks by Assemblyman Lambert.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 370.

The following Senate amendment was read:

Amendment No. 770.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 3 and 4 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 271 of NRS is hereby amended by adding thereto a new section to read as follows:

The provisions of NRS 271.710, 271.720 and 271.730 apply to the governing body of a city or county.

Sec. 2. NRS 271.015 is hereby amended to read as follows:

271.015 [This] *Except as otherwise provided in section 1 of this act, this* chapter applies:

1. To any unincorporated town.

2. To any city, including Carson City, whether incorporated or governed under a general act, special legislative act or special charter, enacted, adopted or granted pursuant to section 1 or 8 of article 8 of the constitution of the State of Nevada, or otherwise.

3. To any county for any project outside of any city.

4. To any county, city, or town for a project not specified in this chapter but which that municipality is otherwise authorized by law to acquire and defray its cost by special assessment, and to any other political subdivision of this state otherwise authorized by law to acquire a specified or described project and to defray its cost by special assessment. In such a case, this chapter provides the method of doing so, to the extent that a special procedure is not provided in the authorizing statute.

5. To a county for a project or benefited property within the boundaries of a city, if the city within whose boundaries the project or benefited property is located consents to the exercise of powers under this chapter within its boundaries, in an interlocal agreement entered into pursuant to NRS 277.045 to 277.180, inclusive.

6. To a city for a project or benefited property outside the boundaries of the city, if the county or other city within whose boundaries the project or benefited property is located consents to the exercise of powers under this chapter within its boundaries, in an interlocal agreement entered into pursuant to NRS 277.045 to 277.180, inclusive.".

Amend the bill as a whole by adding a new section designated sec. 5, following sec. 2, to read as follows:

"Sec. 5. 1. This section and sections 1 and 2 of this act become effective upon passage and approval.

2. Sections 3 and 4 of this act become effective on October 1, 1995.".

Amend the title of the bill, second line, after "districts;" by inserting: "limiting the applicability of those provisions;".

Assemblyman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 370.

Remarks by Assemblyman Lambert.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 47.

The following Senate amendment was read:

Amendment No. 1238.

Amend the bill as a whole by deleting sections 1 through 5 and renumbering sections 6 through 11 as sections 1 through 6.

Amend the title of the bill by deleting lines 1 through 3 and inserting:

"An Act relating to impact fees; revising the period for filing certain reports concerning the capital improvement plans of local governments; revising the period for giving notice of public hearings concerning matters relating to the development and adoption of such plans; revising the provi-".

Assemblyman Bache moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 47.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 171.

The following Senate amendment was read:

Amendment No. 1297.

Amend section 1, page 1, line 14, by deleting: "*slow to renew*" and inserting "*renewable*".

Amend section 1, page 1, line 17, by deleting: "*Section 105 of the*" and inserting "*The*".

Amend section 1, page 1, line 20, by deleting: "*Section 103 of the*" and inserting "*The*".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 171.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 525.

The following Senate amendment was read:

Amendment No. 1470.

Amend section 1, page 1, line 4, by deleting "Asian-American" and inserting "various ethnic".

Amend sec. 2, page 1, by deleting line 6 and inserting: "Sec. 2. 1. The board of any county".

Amend sec. 2, page 1, line 7, by deleting "county commissioners".

Amend sec. 2, page 1, line 8, by deleting "Asian-American" and inserting "various ethnic".

Amend sec. 2, page 1, line 14, by deleting "Asian-American" and inserting "ethnic".

Amend sec. 2, page 1, by deleting lines 18 and 19 and inserting: "identified by the commission.".

Amend sec. 2, page 2, line 2, by deleting "Asian-American" and inserting "various ethnic".

Amend the title of the bill to read as follows:

"An Act relating to ethnic groups; authorizing any county to create a commission to study the various ethnic communities of the county; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes any county to create commission to study ethnic communities of county. (BDR S-1114)".

Assemblyman Bache moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 525.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 597.

The following Senate amendment was read:

Amendment No. 1302.

Amend the bill as a whole by adding new sections designated sections 3 through 5, following sec. 2, to read as follows:

"Sec. 3. NRS 338.147 is hereby amended to read as follows:

338.147 1. A public body shall award a contract for a public work to the contractor who submits the best bid.

2. Except as otherwise provided [by] *in* subsection 4 or limited by subsection 5, for the purposes of this section, a contractor who:

(a) Has been found to be a responsible contractor by the public body; and

(b) At the time he submits his bid, provides to the public body proof of the payment of:

(1) The sales and use taxes imposed pursuant to chapters 372, 374 and 377 of NRS on materials used for construction of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of his bid;

(2) The motor vehicle privilege tax imposed pursuant to chapter 371 of NRS on the vehicles used in the operation of his business of not less than $5,000 for each consecutive 12-month period for 60 months immediately preceding the submission of his bid; or

(3) Any combination of such sales and use taxes and motor vehicle privilege tax,

shall be deemed to have submitted a better bid than a competing contractor who has not provided proof of the payment of those taxes if the amount of his bid is not more than 5 percent higher than the amount bid by the competing contractor.

3. A contractor who has previously provided the public body awarding a contract with the proof of payment required pursuant to subsection 2 may update such proof on or before April 1, July 1, September 1 and December 1 rather than with each bid.

4. If any federal statute or regulation precludes the granting of federal assistance or reduces the amount of that assistance for a particular public work because of the provisions of subsection 2, those provisions do not apply insofar as their application would preclude or reduce federal assistance for that work. *The provisions of subsection 2 do not apply to any contract for a public work which is expected to cost less than $250,000.*

5. Except as otherwise provided in subsection 6, if a bid is submitted by two or more contractors as a joint venture or by one of them as a joint venturer, the provisions of subsection 2 apply only if both or all of the joint venturers separately meet the requirements of that subsection.

6. Except as otherwise provided in subsection 8, if a bid is submitted by a joint venture and one or more of the joint venturers has responsibility for the performance of the contract as described in subsection 7, the provisions of subsection 2 apply only to those joint venturers who have such responsibility.

7. For the purposes of subsection 6, a joint venturer has responsibility for the performance of a contract if he has at least one of the following duties or obligations delegated to him in writing in the contract creating the joint venture:

(a) Supplying the labor necessary to perform the contract and paying the labor and any related taxes and benefits;

(b) Supplying the equipment necessary to perform the contract and paying any charges related to the equipment;

(c) Contracting with and making payments to any subcontractors; or

(d) Performing the recordkeeping for the joint venture and making any payments to persons who provide goods or services related to the performance of the contract.

8. The provisions of subsection 6 do not apply to a joint venture which is formed for the sole purpose of circumventing any of the requirements of this section.

Sec. 4. Section 2 of Senate Bill No. 504 of this session is hereby amended to read as follows:

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, [and] section 1 of [this act,] *Assembly Bill No. 597 of this session and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 278.011 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 5. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to works of construction; authorizing certain cities and counties to allow the use of independent contractors to review the plans for

and inspect buildings; limiting the provisions giving a preference to certain contractors on public works projects; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Authorizes certain cities and counties to allow use of independent contractors to review plans for and inspect buildings and limits provisions giving preference to certain contractors on public works projects. (BDR 22-108)".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 597.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 527.

The following Senate amendment was read:

Amendment No. 1409.

Amend section 1, page 1, line 1, after "NRS" by inserting "369.185,".

Amend the text of repealed sections by adding the text of NRS 369.185.

Amend the title of the bill, first line, after "liquor;" by inserting: "repealing certain requirements for obtaining and retaining an importer's or wholesaler's license;".

Amend the summary of the bill to read as follows:

"Summary—Repeals certain provisions relating to importers, wholesalers and suppliers of intoxicating liquor. (BDR 32-509)".

Assemblyman Stroth moved that the Assembly concur in the Senate amendment to Assembly Bill No. 527.

Remarks by Assemblyman Stroth.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Steel moved that the Assembly do not recede from its action on Senate Bill No. 526, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Steel.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Steel, Brower and Schneider as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 526.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 255.

The following Senate amendment was read:

Amendment No. 1384.

Amend section 1, page 1, by deleting lines 6 and 7 and inserting: "*in this state. The division is responsible for the retrieval and analysis of the categories of information contained in the standardized system and the development of any reports from that information.*

2. Except as otherwise provided in subsection 4, the standardized system must collect, categorize and maintain the following information from the juvenile courts, local juvenile probation departments, and the staff of the youth correctional services as directed by the department of human resources, regarding".

Amend section 1, pages 1 and 2, by deleting lines 21 and 22 on page 1 and line 1 on page 2, and inserting:

"*3. In addition to the information required pursuant to subsection 2 and except as otherwise provided in subsection 4, the department of human resources shall require the staff of the youth correctional services to collect and transmit the following information to the standardized system regarding each child*".

Amend section 1, page 2, line 13, by deleting "*3.*" and inserting "*4.*".

Amend section 1, page 2, line 15, by deleting "*4.*" and inserting "*5.*".

Amend section 1, page 2, line 16, by deleting "*it deems*" and inserting "*are*".

Amend section 1, page 2, by deleting lines 17 through 22 and inserting: "*requirements for the transmittal of information required from the juvenile courts, local juvenile probation departments, and the staff of the youth correctional services as directed by the department of human resources, to the standardized system.*

6. Each juvenile court and local juvenile probation department, and the staff of the youth correctional services as directed by the department of human resources, shall comply with the regulations adopted pursuant to subsection 5.".

Assemblyman Marvel moved that the Assembly concur in the Senate amendment to Assembly Bill No. 255.

Remarks by Assemblyman Marvel.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 581.

The following Senate amendment was read:

Amendment No. 1443.

Amend sec. 2, page 1, lines 5 and 6, by deleting "*request or*".

Assemblyman Tiffany moved that the Assembly concur in the Senate amendment to Assembly Bill No. 581.

Remarks by Assemblyman Tiffany.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 646.

The following Senate amendment was read:

Amendment No. 1440.

Amend sec. 3, page 3, by deleting lines 10 through 13 and inserting: "other transcript of the hearing are not required unless the court so orders. All proceedings pursuant to this chapter must be open to the general public unless the judge, or in case of a reference, the referee, upon his own motion or upon the motion of another person, determines that all or part of the proceedings must be closed to the general public because such closure is in the best interests of the child or the general public. If the judge or referee determines that all or part of the proceedings must be closed to the general public, the general public must be excluded and only those persons having a direct interest in the case may be admitted, as ordered by the judge or referee. The judge or referee in his sole discretion may determine that a victim or any member of a victim's family is a person having a direct interest in the case who may be admitted to the proceedings.".

Amend sec. 3, page 4, by deleting lines 32 through 35 and inserting:

"*12.* The prosecuting attorney shall disclose to the victim of an act committed by a child the disposition of the child's case regarding that act if the victim, or a parent or guardian of the victim, requests such a disclosure.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 646.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 502.

The following Senate amendment was read:

Amendment No. 1427.

Amend sec. 2, page 1, line 14, by deleting: "*interior of the*".

Amend sec. 16, page 6, by deleting line 44 and inserting: "*competent jurisdiction. If the court deter-*".

Amend sec. 16, page 6, line 47, by deleting "*and*" and inserting: "*and, within the limitations prescribed by federal law,*".

Amend sec. 16, page 7, by deleting lines 26 through 28 and inserting: "party actual damages for any economic loss and no more.

[5.] *7.* After the commission has held a public hearing and rendered a decision,".

Amend sec. 30, page 12, by deleting lines 44 through 46 and inserting:

"2. Sections 1 to 11, inclusive, 13, 14 and 17 to 29, inclusive, of this act become effective on October 1, 1995.

3. Sections 12, 15 and 16 of this act become effective on the date the".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 502.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Anderson moved that the Assembly do not recede from its action on Senate Bill No. 171, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Anderson.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Carpenter, Anderson and Ohrenschall as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 171.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 279, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in. It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 20, which is attached to and hereby made a part of this report.

JACK D. CLOSE, SR.	MIKE MCGINNESS
JOAN A. LAMBERT	DINA TITUS
JOSEPH E. DINI, JR.	WILLIAM J. RAGGIO
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 20.

Amend the bill as a whole by deleting sections 1 through 9 and the text of repealed sections and adding new sections designated sections 1 through 9, following the enacting clause, to read as follows:

"Section 1. Chapter 218 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. *1. Except as otherwise provided in subsections 3 and 4, each board of county commissioners and city council may request the legislative counsel and the legal division of the legislative counsel bureau to prepare any legislative measure which has been approved by the governing body of the county or city at a public hearing before its submission to the legislative counsel bureau.*

2. The legislative counsel shall notify the requesting county or city if its request substantially duplicates a request previously submitted by another county or city.

3. The board of county commissioners of a county whose population:

(a) Is 400,000 or more shall not request the preparation of more than 30 legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is 100,000 or more but less than 400,000 shall not request the preparation of more than 25 legislative measures pursuant to subsection 1 for a regular legislative session.

(c) Is less than 100,000 shall not request the preparation of more than 5 legislative measures pursuant to subsection 1 for a regular legislative session.

4. The city council of a city whose population:

(a) Is 100,000 or more shall not request the preparation of more than 10 legislative measures pursuant to subsection 1 for a regular legislative session.

(b) Is less than 100,000 shall not request the preparation of more than 5 legislative measures pursuant to subsection 1 for a regular legislative session.

Sec. 3. *1. An association of elected officials may directly request the legislative counsel and the legal division of the legislative counsel bureau to prepare no more than 5 legislative measures for a regular legislative session.*

2. An association of counties or cities may directly request the legislative counsel and the legal division of the legislative counsel bureau to prepare no more than 10 legislative measures for a regular legislative session.

Sec. 4. NRS 218.240 is hereby amended to read as follows:

218.240 1. The legislative counsel and the legal division of the legislative counsel bureau shall prepare and assist in the preparation and amendment of legislative measures when requested or upon suggestion as provided in NRS 218.240 to 218.255, inclusive [.] *, and sections 2 and 3 of this act.* Except as otherwise provided in [subsection 2,] *those provisions,* the legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation and amendment of legislative measures directly submitted or requested by a natural person, corporation, firm, association or other entity, including an organization that represents governmental agencies, unless the requester, or if the requester is a natural person the office or other position held by the person, is created by the constitution or laws of this state.

2. [The legislative commission may authorize an entity that is not otherwise authorized pursuant to NRS 218.240 to 218.255, inclusive, to request the preparation of legislative measures to submit requests directly to the legislative counsel and the legal division of the legislative counsel bureau. The legislative commission shall not authorize an entity to request the preparation of more than 10 measures pursuant to this subsection.] *An interim committee which conducts a study or investigation pursuant to subsection 5 of NRS 218.682 may request the preparation of no more than 10 legislative measures, except that such a committee may request the preparation of additional legislative measures if the legislative commission approves each additional request by a majority vote.*

3. The legislative counsel shall give consideration to and service concerning any measure before the legislature which is requested by the governor, the senate or assembly, or any committee of the legislature having the measure before it for consideration.

4. The legislative counsel may deliver to the superintendent of the state printing and micrographics division of the department of administration and

request that he print or preset the type for printing a legislative measure before its introduction upon the consent of the person or persons requesting the measure. If the measure has been requested by a legislator, the superintendent shall promptly comply with this request.

Sec. 5. NRS 218.241 is hereby amended to read as follows:

218.241 *1.* Upon request made within the time allowed and within limits established by the legislature by concurrent resolution, the legislative counsel shall advise any agency or officer of the executive branch of the state government, and [may] *shall* advise any [local government,] *county or city,* as to the preparation of measures to be submitted to the legislature.

2. To [assure] *ensure* the greatest possible equity in the handling of requests, drafting must proceed as follows:

[1.] *(a)* Requests for legislative measures from each agency or officer of the executive branch of the state government or [local government] *from a county or city* must, insofar as is possible, be acted upon in the order in which they are received, unless a different priority is designated by the requester.

[2.] *(b)* As soon as an agency or officer of the executive branch of the state government [or a local government] has requested 10 [bills] *legislative measures* for any session the legislative counsel may request the agency [, officer or local government] *or officer* to designate the priority for each succeeding request.

[3.] *(c) Within 2 weeks after the commencement of a regular session of the legislature, any county or city which has requested the preparation of more than one legislative measure for that session shall submit to the legislative counsel a list which designates the order of priority for each request.*

The priority [so] designated *pursuant to this subsection* must guide the legislative counsel in acting upon the requests of the respective agencies and officers of the executive branch of the state government to ensure each agency and officer, and each [local government among themselves,] *county and city,* as nearly as is possible, an equal rank.

Sec. 6. NRS 218.245 is hereby amended to read as follows:

218.245 1. Except as otherwise provided in subsections 2 and 5, the legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation of proposed legislation for any agency or officer of the executive branch of the state government or for a [local government] *county or city* before a regular session of the legislature unless the request is approved by the governor or a designated member of his staff, or the [responsible officer of a local government,] *governing body of the county or city,* and transmitted to the legislative counsel before September 1 preceding the convening of the session.

2. A request for proposed legislation may be submitted to the legislative counsel by the board of regents [,] *of the University of Nevada,* lieutenant governor, secretary of state, attorney general, state controller or state treasurer without the approval of the governor or a designated member of his staff.

3. After November 1, preceding a legislative session, the legislative counsel and the legal division of the legislative counsel bureau shall give full priority to the preparation of proposed legislation requested by members of the legislature.

4. The legislative counsel and the legal division of the legislative counsel bureau shall not prepare or assist in the preparation of any proposed legislation during any regular session of the legislature except upon the request of a member of the legislature or the personal written request of the governor.

5. An agency or officer of the executive branch of the state government or a [local government,] *county or city,* shall not request a legislator to have legislation drafted on its behalf. The legislative commission, when the legislature is not in session, or a standing committee which has jurisdiction of the subject matter when the legislature is in session, may, if it finds that exceptional circumstances so warrant, authorize the drafting of legislation requested after the time limited by subsection 1.

Sec. 7. NRS 218.625 is hereby amended to read as follows:

218.625 1. The director, other officers and employees of the legislative counsel bureau shall not:

(a) Oppose or urge legislation, except as the duties of the director, the legislative auditor, the legislative counsel, the research director and the fiscal analysts require them to make recommendations to the legislature.

(b) Except as otherwise provided in this section, NRS 218.2475, 218.2477 and 353.211, disclose to any person outside the legislative counsel bureau the contents or nature of any matter, unless the person entrusting the matter to the legislative counsel bureau so requests or consents.

2. The nature or content of any work previously done by the personnel of the research division of the legislative counsel bureau may be disclosed if or to the extent that the disclosure does not reveal the identity of the person who requested it or include any material submitted by the requester which has not been published or publicly disclosed. The content of the work product of the legal and fiscal analysis divisions is confidential and not subject to subpoena only if at the time of creation a representation of confidentiality is made.

3. When a statute has been enacted or a resolution adopted, the legislative counsel shall upon request disclose to any person the state or other jurisdiction from whose law it appears to have been adopted.

4. The records of the travel expenses of legislators and officers and employees of the legislative counsel bureau are available for public inspection at such reasonable hours and under such other conditions as the legislative commission prescribes.

5. If a legislator asks whether a request for proposed legislation relating to a specific topic has been submitted to the legislative counsel for preparation, the legislative counsel shall disclose to that legislator whether such a request has been submitted.

6. Upon receipt of a request for the preparation of a measure to be submitted to the legislature which duplicates or closely resembles a request

previously submitted for the same legislative session, the legislative counsel shall, to the extent practicable, notify the [person] *legislator or other requester* submitting the duplicative request of that fact and, except as otherwise provided in this subsection, ask the [person] *legislator or other requester* to withdraw the request. If the request is not withdrawn, the legislative counsel shall inform the previous requester of the fact that a duplicative request has been made. If the request is submitted by a legislator on his own behalf, and the previous request was submitted by a legislator who is a member of the other house of the legislature, the legislative counsel shall inform the second requester of the fact that the request is duplicative.

Sec. 8. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.

Sec. 9. Section 7 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to legislation; revising the provisions governing the requests for drafting legislative measures; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions governing requests for legislative measures. (BDR 17-1366)".

Assemblyman Close moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 279.

Remarks by Assemblyman Close.

Motion carried.

Mr. Speaker:

The second Committee on Conference concerning Assembly Bill No. 185, consisting of the undersigned members, has met, and reports that:

No decision was reached.

MICHAEL A. SCHNEIDER	MARK A. JAMES
JOHN C. CARPENTER	JON C. PORTER
DAVID E. GOLDWATER	DINA TITUS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Hettrick moved that the Assembly adopt the report of the second Committee on Conference concerning Assembly Bill No.185.

Remarks by Assemblyman Hettrick.

Motion carried.

Mr. Speaker:

The second Committee on Conference concerning Senate Bill No. 87, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 25, which is attached to and hereby made a part of this report.

WILLIAM Z. HARRINGTON	BOB COFFIN
MAX J. BENNETT	WILLIAM R. O'DONNELL
P. M. ROY NEIGHBORS	RAYMOND D. RAWSON
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 25.

Amend section 1, page 1, by deleting lines 6 through 14 and inserting: "[the] *a* board of trustees , authorize a reduction of not more than [10] *15* school days in a particular district to establish or maintain a 12-month school program *or a program involving alternative scheduling,* if the board of trustees demonstrates that the proposed schedule *for the program* provides for [an equivalent or] *a* greater number of [hours] *minutes* of instruction [.] *than would be provided under a program consisting of 180 school days. Before authorizing a reduction in the number of required school days pursuant to this subsection, the superintendent of public instruction must find that the proposed schedule will be used to alleviate problems associated with a growth in enrollment or overcrowding, or to establish and maintain a program of alternative schooling.*

3. *The superintendent of public instruction may, upon application by a board of trustees, authorize the addition of minutes of instruction to any scheduled day of free school if days of free school are lost because of any interscholastic activity. Not more than 5 days of free school so lost may be rescheduled in this manner.*

4. Each school district shall schedule at least 3 contingent days of school".

Amend section 1, page 1, line 18, by deleting "4." and inserting "[4.] *5.*".

Amend section 1, page 1, line 24, by deleting "5." and inserting "[5.] *6.*".

Amend the title of the bill to read as follows:

"An Act relating to education; revising the manner in which the minimum number of school days may be scheduled; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Revises manner in which minimum number of school days may be scheduled. (BDR 34-741)".

Assemblyman Harrington moved that the Assembly adopt the report of the second Committee on Conference concerning Senate Bill No. 87.

Remarks by Assemblyman Harrington.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 656.

The following Senate amendment was read:

Amendment No. 1410.

Amend the bill as a whole by renumbering section 1 as sec. 2 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. Chapter 361 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who qualifies for an exemption pursuant to NRS 361.090 may, in lieu of claiming his exemption:

(a) Pay to the county assessor all or any portion of the amount by which the tax would be reduced if he claimed his exemption; and

(b) Direct the county assessor to deposit that amount for credit to the veterans' home account established pursuant to NRS 417.145.

2. Any person who wishes to waive his exemption pursuant to this section shall designate the amount to be credited to the account on a form provided by the Nevada tax commission.

3. The county assessor shall deposit any money received pursuant to this section with the state treasurer for credit to the veterans' home account established pursuant to NRS 417.145. The state treasurer shall not accept more than a total of $1,000,000 for credit to the account pursuant to this section and section 4 of this act during any fiscal year.".

Amend section 1, page 2, by deleting line 5 and inserting: "county assessor shall mail a form for *:*

(a) The renewal of the exemption *; and*

(b) The designation of any amount to be credited to the veterans' home account,

to the person".

Amend the bill as a whole by renumbering sec. 2 as sec. 5 and adding new sections designated sections 3 and 4, following section 1, to read as follows:

"Sec. 3. NRS 361.155 is hereby amended to read as follows:

361.155 1. All claims for personal tax exemptions on real property , [and] the initial claim of an organization for a tax exemption on real property *and the designation of any amount to be credited to the veterans' home account pursuant to section 1 of this act* must be filed on or before June 15. All exemptions provided for [under] *pursuant to* this chapter apply on a fiscal year basis and any exemption granted [under] *pursuant to* this chapter must not be in an amount which gives the taxpayer a total exemption greater than that to which he is entitled during any fiscal year.

2. Each claim for an exemption provided for [under] *pursuant to* this chapter must be filed with the county assessor of:

(a) The county in which the claimant resides for personal tax exemptions; or

(b) Each county in which property is located for the tax exemption of an organization.

3. After the initial claim for an exemption pursuant to NRS 361.088 or 361.098 to 361.150, inclusive, an organization is not required to file annual claims if the property remains exempt. If any portion of the property loses its exemption pursuant to NRS 361.157 or for any other reason becomes taxable, the organization must notify the county assessor.

4. If an exemption is granted or renewed in error because of an incorrect claim or failure of an organization to give the notice required by subsection 3, the assessor shall assess the taxable portion of the property retroactively pursuant to NRS 361.769 and a penalty of 10 percent of the tax due for the current year and any prior years must be added.

Sec. 4. Chapter 371 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Any person who qualifies for an exemption pursuant to NRS 371.103 may, in lieu of claiming his exemption:

(a) Pay to the department all or any portion of the amount by which the tax would be reduced if he claimed his exemption; and

(b) Direct the department to deposit that amount for credit to the veterans' home account established pursuant to NRS 417.145.

2. Any person who wishes to waive his exemption pursuant to this section shall designate the amount to be credited to the account on a form provided by the department.

3. The department shall deposit any money received pursuant to this section with the state treasurer for credit to the veterans' home account established pursuant to NRS 417.145. The state treasurer shall not accept more than a total $1,000,000 for credit to the account pursuant to this section and section 1 of this act during any fiscal year.".

Amend sec. 2, page 3, by deleting line 4 and inserting: "assessor shall mail a form for *:*

(a) The renewal of the exemption *; and*

(b) The designation of any amount to be credited to the veterans' home account,

to the person each".

Amend the bill as a whole by renumbering sec. 3 as sec. 8 and adding new sections designated sections 6 and 7, following sec. 2, to read as follows:

"Sec. 6. NRS 371.105 is hereby amended to read as follows:

371.105 Claims [under] *pursuant to* NRS 371.101, 371.102, 371.103 or 371.104 for tax exemption on the vehicle privilege tax [shall] *and designations of any amount to be credited to the veterans' home account pursuant to section 4 of this act must* be filed annually at any time on or before the date when payment of [such] *the* tax is due. All exemptions provided for in this section [shall] *must* not be in an amount which gives the taxpayer a total exemption greater than that to which he is entitled during any fiscal year.

Sec. 7. NRS 371.230 is hereby amended to read as follows:

371.230 [Moneys] *Except as otherwise provided in section 4 of this act, money* collected by the department for privilege taxes and penalties [under] *pursuant to* the provisions of this chapter [shall] *must* be deposited with the state treasurer to the credit of the motor vehicle fund.".

Amend sec. 3, page 3, line 24, by deleting "1995." and inserting "1996.".

Amend the title of the bill, first line, after "taxation;" by inserting: "authorizing persons who are qualified for certain exemptions from the property tax or the motor vehicle privilege tax to waive their exemptions and designate any additional amount to be credited to the veterans' home account established in the state general fund;".

Amend the summary of the bill to read as follows:

"Summary—Revises provisions relating to exemption from taxation for certain veterans. (BDR 32-1915)".

Assemblyman Stroth moved that the Assembly concur in the Senate amendment to Assembly Bill No. 656.

Remarks by Assemblyman Stroth.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 65.

The following Senate amendment was read:

Amendment No. 1442.

Amend sec. 4, page 4, line 5, by deleting "*arrested for*" and inserting "*convicted of*".

Amend sec. 4, page 4, line 13, by deleting "*arrested for*" and inserting "*convicted of*".

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 65.

Remarks by Assemblyman Williams.

Motion carried.

Bill ordered enrolled.

GENERAL FILE AND THIRD READING

Senate Bill No. 341.

Bill read third time.

The following amendment was proposed by Assemblyman Giunchigliani:

Amendment No. 1491.

Amend sec. 2, page 1, line 4, by deleting "*may*" and inserting: "*may, for the purpose of collecting information,*".

Amend sec. 2, page 1, line 13, by deleting: "*illegal, antisocial, self-incriminating or demeaning;*" and inserting "*illegal;*".

Amend sec. 2, page 1, by deleting line 22 and inserting: "*such information is sought if:*

(a) The parent or legal guardian gives written notice to the school that he waives his right to consent pursuant to this section; or

(b) An employee of a school district reasonably".

Amend sec. 2, page 2, line 38, after "*spontaneous*" by inserting "*and voluntary*".

Amend sec. 2, page 2, line 41 by deleting "*or*".

Amend sec. 2, page 2, line 42, after "*(c)*" by inserting: "*Apply to the collection of information required for the purpose of enrolling a pupil in a public school;*

(d) Apply to the collection of information from a pupil with a disability as that term is defined in NRS 388.440 for the purpose of assessing the pupil for placement in a special program for pupils with disabilities; or

(e) ".

Amend sec. 3, page 3, by deleting line 1 and inserting:

"2. *This section does not:*

(a) Apply to records maintained by a school district which relate to the assessment of a pupil with a disability as that term is defined in NRS 388.440 for placement in a special program for pupils with disabilities;

(b) Affect or impair any right of a parent or pupil to receive records of a pupil pursuant to 20 U.S.C. § 1232g; or

(c) Affect or impair any investigation by a law''.

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblymen Giunchigliani, Harrington, Williams, Bennett, Monaghan and Bache.

Assemblymen Perkins, Anderson and Ernaut moved the previous question.

Motion carried.

The question being on the motion to adopt Amendment No. 1491 to Senate Bill No. 341.

Motion carried on a division of the house.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 489.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Senate Bill No. 489:

YEAS—42.

NAYS—None.

Senate Bill No. 489 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 740.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Assembly Bill No. 740:

YEAS—42.

NAYS—None.

Assembly Bill No. 740 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 199.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 199:

YEAS—42.

NAYS—None.

Senate Bill No. 199 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 490.

Bill read third time.

Remarks by Assemblyman Stroth.

Roll call on Senate Bill No. 490:

YEAS—42.

NAYS—None.

Senate Bill No. 490 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 492, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

SANDRA TIFFANY, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bills Nos. 175, 212; Senate Bills Nos. 121, 388, 441, 550 be placed on the General File.

Motion carried.

Assemblyman Carpenter moved that Senate Bill No. 121 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 175.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1501.

Amend the bill as a whole by deleting section 1 and renumbering sections 2 through 4 as sections 1 through 3.

Amend sec. 4, page 3, line 41, by deleting "1995." and inserting "1997.".

Amend the title of the bill to read as follows:

"An Act relating to education; requiring the completion of kindergarten as a prerequisite for admission to first grade; providing certain exceptions; and providing other matters properly relating thereto.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 212.

Bill read third time.

Remarks by Assemblymen Carpenter, Sandoval, Bennett, Humke and Freeman.

Roll call on Assembly Bill No. 212:

YEAS—18.

NAYS—Allard, Arberry, Batten, Braunlin, Brower, Buckley, Chowning, Ernaut, Goldwater, Harrington, Humke, Krenzer, Lambert, Manendo, Monaghan, Nolan, Ohrenschall, Sandoval, Schneider, Spitler, Steel, Stroth, Tiffany, Tripple—24.

Assembly Bill No. 212 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Marvel moved that the vote whereby Assembly Bill No. 212 was lost be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 212.

Bill read third time.

Remarks by Assemblymen Marvel, Lambert, Fettic, Giunchigliani, Segerblom, Perkins, de Braga, Neighbors, Buckley, Nolan, Carpenter, Ernaut and Sandoval.

Roll call on Assembly Bill No. 212:

YEAS—23.

NAYS—Allard, Batten, Braunlin, Brower, Buckley, Ernaut, Harrington, Humke, Krenzer, Lambert, Manendo, Monaghan, Nolan, Ohrenschall, Sandoval, Spitler, Steel, Stroth, Tripple—19.

Assembly Bill No. 212 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 388.

Bill read third time.

Remarks by Assemblymen Bache and Bennett.

Roll call on Senate Bill No. 388:

YEAS—38.

NAYS—Brower, Close, Marvel, Steel—4.

Senate Bill No. 388 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 441.

Bill read third time.

Remarks by Assemblymen Tripple and Bache.

Assemblyman Bache moved that Senate Bill No. 441 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 739; Senate Bills Nos. 101, 218, 492, 538, 569 be placed on the Second Reading File.

Motion carried.

Assemblyman Perkins moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 1:46 p.m.

ASSEMBLY IN SESSION

At 2:13 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

By the Committee on Elections and Procedures:

Assembly Resolution No. 16—Commending certain attachés of the Assembly for their dedicated service during the 68th session of the Nevada Legislature.

WHEREAS, Every 2 years, the Nevada Legislature undertakes an enormous task and must depend on its staff to assist the members in the performance of their legislative duties on behalf of the residents of the State of Nevada; and

WHEREAS, The smooth and efficient operation of the Legislature is largely dependent on the quality and dedication of its staff; and

WHEREAS, The 21-21 party split this session led to a unique sharing of leadership responsibilities which magnified the necessity for full cooperation and coordination by all staff members; and

WHEREAS, The bill clerks, secretaries, sergeants at arms, the clerical and support staff who serve as attachés of the Assembly have worked diligently and efficiently in their service to members of this body; and

WHEREAS, The bill clerks, arriving at 5 a.m., or earlier, have worked their magic this session without being seen or acknowledged, even though their absence would be noticed immediately; and

WHEREAS, The secretaries and other clerical support have kept minutes, listened to constituents, written letters, organized the offices of legislators and performed countless other important tasks necessary to the operation of this Legislature; and

WHEREAS, The sergeant at arms and his staff have pleasantly performed errands, poured coffee, delivered messages and organized the daily files of the Assembly; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 68th session of the Nevada Legislature commend and thank Betty Day, Cindy Southerland, Kelly Christie, Maria Kelderman, Laverna Marwin, Carolyn Maynick, Jason Hataway, Emily Nelson, Terry Sullivan, Rebecca Lawson, Joe Crawford, Nicole Geissler, Michael Wiese, Vicki Shell, Barbara Moss, Marci Wehry, Christine Shaw, Iris Bellinger, Jennifer Carnahan, Janine Sprout, Barbara Prudic, Nykki Kinsley, Bobbie Mikesell, Sara Kaufman, Kelly Liston, Denise Sins, Joi Davis, Patricia Hicks, Jacque Sneddon, Pat Menath, Carolyn Grabski, Jackie Valley, Linda Corbett, Yhvona Martin, Dale Gray, Jonnie Sue Hansen, Susan Hult, Deborah Salaber, Kathleen Day, Irene Davis, Carol Dickerson, Cecilia Hackman, Donna Hancock, Frances Hill, Theresa Horgan, Sylvia Mays, Barbara Pryor, Mary Sitts, Marlene Staub, Stephen Thompson, Bonnie Borda, Ellen Hanners, Dyan Merritt, Sally Dunfield, Mary Carel, Ed Cordisco, Jr., Melvin Cowperthwaite, Lois LaHair, Martha Laird, Kevin Magrane, Ronald Marwin, Reid Meyer, Barbara Morgan, Bob Peterson, Mike Pintar, Shanna Pozzi, Mary Rasmussen, Frank Richer, Mary Smith and Robert Evans.

Assemblyman Close moved the adoption of the resolution.

Remarks by Assemblymen Close, Hettrick, Anderson, Perkins, Ernaut, Evans, Humke, Giunchigliani, Marvel, Harrington, Steel, Brower, Bache,

Buckley, Ohrenschall, Freeman, Bennett, Krenzer, Braunlin, Price, Fettic, Segerblom, Stroth, Allard, Manendo, Monaghan, Nolan, Chowning, Mr. Speaker Dini and Neighbors.

Assemblyman Allard requested that the following remarks be entered in the Journal.

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker. On behalf, I'm sure, of every one in this body, it is our pleasure today to recognize our support staff. It has been an honor, I'm sure for all of us, to serve in this legislative body. I think that one of the greatest things I have observed in this body is that I have not heard, in many instances, the word "I," "my," or "mine." It's always "we," "together," or "us."

I think this is a good example of leadership which we have seen and has been provided to us by our Speakers, our front desk, our floor leaders. I think that we would be hard-pressed, very hard-pressed to accomplish what we have accomplished without the people who have served as our support staff.

There is a saying that, "No one is as great as all of us." No one is greater than anyone of us in this body. I think we have surely shown, in this State of Nevada, that we can work together as political parties, as individuals from rural and urban Nevada and that is shown with the support staff that we have.

On behalf of all of us, especially the Elections and Procedures Committee which has had the opportunity to introduce this resolution, it is my pleasure to recognize the staff that we've had and urge this body to support Assembly Resolution No. 16.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Resolution No. 16. I remember two years ago when I first served here, standing here the last night when we did *sine die* and congratulating the staff.

The position that I enjoyed this time allowed me to see more from the inside. I can't tell you what a tremendous job these people do. No one can appreciate the kind of work and hours they put in; every single person back here. We've read their names, but I want them all to be recognized, please stand up. I just can't tell you how much you are appreciated. It was so hard on Joe, he lost his hair! Seriously, I don't want to make a joke out of this, these people work very hard and they deserve the recognition that this resolution brings and I can't say enough "thank you's" to every one of them for doing a job that, for most part, goes unrecognized. They don't get the credit that they deserve and we should definitely make sure that they do.

I want to name one special person for me this time, Cindy, who is sitting here and said I can't do this, but I'm going to do it anyway. She is so good at what she does, I can't tell you how efficient she is. How easily she does this is amazing; everything just happens. Yesterday, she stuck into my briefcase, a listing of all the files that she has done for me this entire session, fully indexed, so that I know where everything is, including every single drawer. It is unbelievable. This young lady is very talented, and besides, she is very pleasant to work with. I couldn't have done any part of this without her. I want to give her some special recognition, as well as the rest of you. Thank you, Mr. Speaker.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I also rise in support of Assembly Resolution No. 16. I have always felt that one of the most remarkable groups of people that work in our building is behind the scenes. Those are the individuals who work in our bill room. We've never given them the kind of recognition that they deserve.

When we walk into any of our committee rooms, not to have to carry every piece of paper with you, and to know and depend on, that everything you need is going to be there without any question. When you walk out of that room, and walk into the next room, you will have the information that you need right in front of you. The orderly presentation of it makes any little thing stick out like a glowing error. It happens so rarely it is ridiculous even to mention it.

The kind of work that our secretaries do for us to make sure that everything else is taken care of is very much appreciated. I know that Ms. Sneddon and Ms. Hicks are absolutely essential to what I have done this session. Our Judiciary Committee could not work without them. I know that the other secretaries have treated us all with such pleasant attitudes, and it makes it a joy to be here. This is especially important to me.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Resolution No. 16. A thought had occurred to me that it would be interesting to see how this body would operate if all the people who are listed on that resolution just up and disappeared one day.

The notes that needed to be passed on the floor, the errands that needed to be run, the letters that needed to be typed and the agendas that needed to be posted. If we all had to do that for ourselves, annual sessions would be a reality because we would never leave here. It would be a 24-hour-a-day, 365-day-a-year job. These are the people who make us look good; the people who make the process work. It would be impossible for that to occur without them.

I, too, would like to mention someone who has kept me where I need to be, Maria Kelderman. I'm not the best organized person in the world. I take a lot of prodding from her to be in the right place at the right time. I know that I haven't always been there, but it is not because she didn't try and do her best to get me there. It was certainly my fault if I didn't get there. With those remarks, Mr. Speaker, I stand in support of Assembly Resolution No. 16.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. I, too, stand in support of Assembly Resolution No. 16. Everyone knows who runs this building; it is this group of people in this resolution. I think one of the best pieces of advice anyone ever gave me when I got here was to make friends with all of the secretaries, because they make your life so much easier. I took that to heart.

I want to thank all of them for putting up with my practical jokes, my coffee cup collection and all the cookies that I stole. I really appreciate it. You made this process very enjoyable and very efficient. And to my own secretary, Kelly, who for those of you who don't know, is going to be my secretary in the private world after the session, working with me is probably analogous to her trying to stop a charging rhinoceros with a pellet gun. She does a great job. She keeps me organized and covers for me. I really appreciate her and look forward to working with her for years and years to come.

But, to all the other attachés, you have done a great job. You keep this place running long before we get here and long after we leave. We owe you a real debt of gratitude.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. I am delighted to rise in support of Assembly Resolution No. 16. The work that happens in the legislature by our attachés is the epitome of teamwork and collegiality. I know that they are assigned, in many cases, to one or two legislators or to a particular committee, but it doesn't make any difference. If you need something, whoever's there and they can tell usually by the look of desperation on your face, they don't wait to be asked, they volunteer. "What do you need? What can I do? How can I help?" It is that spirit that makes the session a success.

In my own case, of course, I have the "General." General Wehry, who keeps me on track. She makes all kinds of sacrifices on my behalf. In fact, she keeps all kinds of people in line on the third floor. The other day, someone asked me at one of my more difficult moments, whether I was going to run again and I said it depended on whether or not Marci would come back and work with me, because I can't imagine being here without her. She is truly indispensable. I thank her, and I thank all of you for all of your good help.

ASSEMBLYMAN HUMKE:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Resolution No. 16. My Co-Chairman has previously spoken about two of the finest assistants that we have had, but I have to rise in support of it also. We have three assistants, Patty Hicks, Jacque Sneddon and Joi Davis. They are just fantastic. They are fantastic because with the

Co-Chairman system in our case, you have a walrus and a would-be cowboy who often have disreviews and it is difficult to sort those things out. And, they manage to do it with regard to the record that was made.

For example, my Co-Chairman reads the minutes in draft as soon as they come out of the printer, and my stack is still up there from February 1. We'll get to them. That is how disparate we are. But, this is something that our staff would have prevented.

You can see in this picture in our one moment of fame, the Co-Chair and I were able to show the back of my head which is blocking the face of my Co-Chair on the front page of the *Review-Journal*. Meanwhile, showing Mr. Anderson's Senator in fine form and Senator James, of course, and the Governor very well. Suffice it to say, that our staff would have prevented that. Thank you.

ASSEMBLYMAN GIUNCHIGLIANI:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Resolution No. 16. I would like to say that all of you are our heroes and our heroines. Your job is to make us look good and it's real tough some days. I do applaud you. You have been absolutely delightful.

I do want to commend you. You have done an excellent job and we could not have done it without you. We would not be as successful as, hopefully, we will be when we *sine die*, tonight. Thank you, very much.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I also rise in support of Assembly Resolution No. 16. I look here behind me at this great bunch of people, both sides; over the years they have become very, very close friends. I just want to commend each and every one of you for the great work you have done, particularly, our girls in Ways and Means who have had to put up with "Mooseman" and the "Old Man," Y, Jonnie Sue, Deb and Dale. It is just amazing all the numbers that they have to listen to and they still keep their sense of humor. To each and every one of you, I wish you well. We are going to miss you during the interim and it has been a pleasure working with all of you.

ASSEMBLYMAN HARRINGTON:

Thank you, Mr. Speaker. One for all and all for Irene! We really put Irene through the hot seat this session with Wendell, Brian and I. Brian has made her work hard. Brian is a hard charger in writing letters and we really do appreciate the great work that she has done.

Also, Barb Prudic, on the Education Committee has really had to toe the line there to keep us both happy. Amazingly, they have kept us both happy. All three of us. I just have to say to Lorne and the group here, I have never seen an organization work so well and so efficiently and in such a cooperative spirit. I have been very pleased by that.

ASSEMBLYMAN STEEL:

Thank you, Mr. Speaker. I also rise in support of Assembly Resolution No. 16. I echo the words of my predecessors who have spoken before me. I also want to thank you for the moral, spiritual and personal support that you have given me as a new mom and all of the good advice and the words to my baby. She is really going to miss you guys. I am going to miss you guys! I won't have you there every morning to pick her up and help me out. Thank you so much for making this a great session for me.

ASSEMBLYMAN BROWER:

Thank you, Mr. Speaker. To you and through you to everyone here, I would like to thank all of you for your help to me and all of us. It has been wonderful working with you and as far as that look of panic, that my colleague mentioned, Marlene has seen it on my face twice today already. Thank you, Marlene, for everything.

ASSEMBLYMAN BACHE:

Thank you, Mr. Speaker. I rise in support of Assembly Resolution No. 16. All of the staff here are just wonderful, particularly Kelly, Denise and Sara from Government Affairs. They have treated myself and my Co-Chairman in the most wonderful manner. I

have been very pleased that I have been able to let you use my office for a hanging-out place when you needed a few minutes from typing to drink a coke, or whatever. I appreciate your work and thank you, very much.

ASSEMBLYMAN BUCKLEY:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Resolution No. 16. I would like to thank all of the staff who have helped me on various projects. To all the attachés who have labeled me their number one note queen, thanks. A special thanks to Janine who had the difficult task of working for Mr. Schneider, Diane and Dora Steel and myself to balance four very different people with different needs as well as she did. Thank you.

ASSEMBLYMAN OHRENSCHALL:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Resolution No. 16. I will make it very brief. Thank you to each and every one of you, but most particularly to Cecilia, who has supported me and Mr. Close in every possible circumstance and has really helped us to learn the ropes. Thanks to all of you.

ASSEMBLYMAN FREEMAN:

Thank you, Mr. Speaker. I also rise in support of this resolution. Donna, who is the secretary for Mr. Neighbors, Mr. Bennett and myself; most of you in the building know what a cookie maker she is. She has a bowl on her desk every day with new kinds of cookies. She and my husband have developed quite a telephone relationship. They send themselves gifts; an onion, a very special onion, another time a beer tray. You are very special.

ASSEMBLYMAN BENNETT:

Thank you, Mr. Speaker. Ditto baby! Thank you, Donna, you still have the best cookies of anybody in this legislature. You've been a great help and we appreciate you.

ASSEMBLYMAN KRENZER:

Thank you, Mr. Speaker. I, too, want to rise in support of Assembly Resolution No. 16. I want to say thank you to Jen Carnahan. She has had double duty on a very difficult committee, taking all those records, files and everything and to prepare Room 119 day after day, Tuesdays and Thursdays, a very special thanks to her.

ASSEMBLYMAN BRAUNLIN:

Thank you, Mr. Speaker. I rise in support of Assembly Resolution No. 16. To Susie, Frances and each and every one of you, thank you very much.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I also rise in support of Assembly Resolution No. 16. We can never say enough wonderful things about our extended family who takes care of us, makes us look good and works so hard on our behalf. I am surprised that I haven't had to take Nykki down and have her committed with all the things that she has had to put up with from me this session, including trying to clean up my office.

Everyone from Ways and Means, to Denise my private artist, who created our "alien" for us. Everybody has just been wonderful and it is just like losing family when I go home. We won't see you for two years, but if I had my way it would be next year. Thank you so very much.

ASSEMBLYMAN FETTIC:

Thank you, Mr. Speaker. I rise also in support of Assembly Resolution No. 16. Just let me say, as a senior freshman, thank you all for making my life a lot easier.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. I rise in support of Assembly Resolution No. 16. I have enjoyed this session very much on account of the staff. They are always cheerful and helpful, especially, Carol Dickerson who is doing her second term with me and if I don't fall by the wayside, will be back for a third term. And, also to the pages who say that I drink too much coffee. Thank you.

ASSEMBLYMAN STROTH:

Thank you, Mr. Speaker. I rise in support of Assembly Resolution No. 16. I just want to thank all of the ladies. I have had so many of you come in and help out when Carolyn was busy with Taxation. I think all of you have been so cooperative and generous with your time.

I especially want to thank Carolyn, who I appreciate most of all for her wonderful personality and upbeat attitude. She keeps me straight and has even learned to understand when I change the subject five times in 90 seconds. I just wish that I could take her home with me. Thank you.

ASSEMBLYMAN ALLARD:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Resolution No. 16. I want to thank my secretary, Marlene. She has been extremely helpful keeping me straight and going. She is a great lady. I also want to thank the pages for all those diet cokes. I don't know if you know it, but I do drink diet cokes. With that, "Joe, would you go get me a diet coke?"

ASSEMBLYMAN MANENDO:

Thank you, Mr. Speaker. I rise in support of Assembly Resolution No. 16. Mary just came on board a few weeks ago and had the difficult task of coming into this session at the most ludicrous time. She has done a great job with the number of letters that Mrs. Krenzer and I put out, and I want to thank her. We lost our other secretary and I want to thank the rest of the staff who took over and helped me out personally, when we were in a situation of not having anyone. I want to thank all of them because it made my life easier. Thank you, very much.

ASSEMBLYMAN MONAGHAN:

Thank you, Mr. Speaker. I also rise in support and I think that the best gift that we can give them is to go home!

ASSEMBLYMAN NOLAN:

Ditto.

ASSEMBLYMAN CHOWNING:

Thank you, Mr. Speaker. I just want to say thank you to everyone, especially to Sylvia and Jackie. Can you imagine this one saying, "I'm going to make a Democrat out of you yet!" That's what I say to him and he says to me, "I'm going to make a Republican out of you yet." Those two have kept these two diverse teams straight and organized and they really deserve a medal. Thank you.

ASSEMBLYMAN CLOSE:

Thank you, Mr. Speaker, for a second time. As I opened the discussion on this Assembly Resolution I said some general statements, but I realized that my secretary, Cecilia, is helping me pack my boxes and if I don't publicly thank her, I'm not sure what she is going to put in those boxes. I would like to express my personal thanks to Cecilia for all the work that she puts forth on my behalf. I would also like to extend my thanks to Bobbie on behalf of my Co-Chairman and myself for all the work that she did on Elections and Procedures. Thank you, Mr. Speaker.

ASSEMBLYMAN DINI:

I would just like to say I think that this is one of the finest crews that we have ever assembled. Everyone has been very efficient and done an excellent job for us. I want to especially recognize the bill clerks and Sally who has been here since 1971, almost as long as me, but not quite. She has done a wonderful job here all these years and my secretary, Betty, who is at my desk.

Everybody knows Betty; everybody in my district knows Betty. I think that she could beat me in an election if she ran. She sits there by the hour answering the telephone from my constituents and I never have to talk to them. She talks to them. Obviously, they must be pretty satisfied. She is going to retire to Lahontan Lake and enjoy the mosquitos. This year she can go out on the lake and boat. It's going to be a great summer for her. It has been wonderful having her here, because if she hadn't been here when I got here at the

beginning of session, I think it would have been all over. She spun me around about three times and said this is the way that you have to go. We have been going straight ever since. I really appreciate her coming back and working for me.

ASSEMBLYMAN NEIGHBORS:

Thank you, Mr. Speaker. To you and through you to the wonderful staff and Donna, it was really great. I especially appreciate it when you said that I was so much easier to work with than the cowboy that you had the previous session.

ASSEMBLYMAN DINI:

Let's not forget our secretarial supervisor, Vicki. She has done a wonderful job for us. We really appreciate her stepping in this year and taking over and doing a real efficient and good job for us.

ASSEMBLYMAN ERNAUT:

We forgot one other person, too. The "General" of the leadership area, Laverna, she had to take off early. But in her stead, I have to say that she ran interference for leadership very well. She fed Goldwater which is a daily chore. I think that he has a tape worm. She did a great job. I think she is a surrogate mother to all of us. I have to tell you one quick story. She put a note on my door that said call so and so ASAP. I said, "Laverna, why didn't you bring the note to me on the floor, it said ASAP." She said, "There was nobody here, I couldn't do it." I said, "Laverna if it was ASAP it was probably important." She said, "You don't even call your mother back, and I am not giving any more messages until you call your mother back."

Resolution adopted unanimously.

SECOND READING AND AMENDMENT

Assembly Bill No. 739.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1516.

Amend section 1, page 1, line 5, by deleting "*$350*" and inserting "*$100*".

Amend sec. 3, page 2, line 44, by deleting "*$11,000*" and inserting "*$9,000*".

Amend sec. 2, page 2, after line 48, by inserting:

"*3. Each senator and assemblyman elected on or after November 5, 1996, or appointed to succeed a senator or assemblyman elected on or after November 5, 1996, is entitled to receive the compensation provided pursuant to subsection 1 increased by:*

(a) The cumulative percentage of increase in the Consumer Price Index (All Items) for the previous calendar year and each such successive calendar year, or portion thereof; or

(b) Four percent for each such year,

whichever is less. The increase must be calculated for the period between June 30, 1995, and the day before the first day of the current term of office for which the senator or assemblyman was elected or, if appointed, for which his predecessor was elected.".

Amend the bill as a whole by deleting sec. 6 and inserting:

"Sec. 6. (Deleted by amendment.)".

Amend Sec. 10, page 6, line 36, after "284.115," by inserting: "subsection 2 of NRS 321.355, NRS 322.007, subsection 2 of NRS 323.020, NRS 323.050, subsection 1 of NRS 323.100,".

Amend the bill as a whole by deleting sec. 11 and inserting:

"Sec. 11. (Deleted by amendment.)".

Amend sec. 17, page 10, line 35, by deleting "Three" and inserting "Four".

Amend sec. 18, page 11, line 21, by deleting "17," and inserting "16,".

Amend sec. 18, page 11, line 23, after "2." by inserting:

"Section 17 of this act becomes effective at 12:01 a.m. on July 1, 1995. 3.".

Assemblyman Evans moved the adoption of the amendment.

Remarks by Assemblyman Evans.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 101.

Bill read second time.

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

Amendment No. 1487.

Amend sec. 3, page 2, by deleting lines 44 through 47 and inserting:

"*4. The division shall submit to the legislature for its review and consideration:*

(a) The plan developed pursuant to subsection 1; and

(b) The recommendations regarding the plan provided to the division by the advisory board on water resources planning and development pursuant to NRS 540.111.

The division must obtain the approval of the legislature before [it] *the plan* is implemented.".

Amend sec. 4, page 3, by deleting lines 6 through 24 and inserting: "opment, consisting of [13 members,] *15 members appointed by the governor,* is hereby created within the division.

2. [The members of the board for financing water projects are ex officio members of the advisory board.] The governor shall appoint [the remaining eight members of] *to* the advisory board *:* [as follows:]

(a) Six members who are representatives of the governing bodies of [counties and cities;] *the county with the largest population in the state and the cities in that county;*

(b) One member who is a representative of the largest water utility in the county with the largest population in the state; [and]

(c) *Two members who are representatives of the county with the second largest population in the state and the cities in that county;*

(d) One member who is a representative of the largest water utility in the county with the second largest population in the state [.] *;*

(e) One member who is representative of the general public; and

(f) Four members, each of whom represents a different one of the following interests:

(1) Farming;
(2) Mining;
(3) Ranching; and
(4) Wildlife.

The governor shall make the appointments required by this subsection so that [, including the ex officio members,] at least seven members of the advisory".

Amend sec. 4, page 3, by deleting lines 29 through 31 and inserting:

"3. The [appointed] members of the advisory board serve at the pleasure of the [appointing authority.] *governor.*

4. All vacancies [in the appointed members] on the advisory board must be".

Amend sec. 4, page 3, by deleting lines 39 through 41 and inserting: "elect a chairman from among its members.".

Amend sec. 4, page 3, by deleting line 44 and inserting:

"8. [Seven] *A majority of the* members of the advisory board [constitute] *constitutes* a quorum. A quorum".

Amend sec. 4, page 4, by deleting line 9 and inserting:

"*(e) Review, and provide written recommendations to the division regarding, the plan for the use of*".

Amend the bill as a whole by deleting sec. 5 and adding new sections designated sections 5 through 8, following sec. 4, to read as follows:

"Sec. 5. NRS 349.957 is hereby amended to read as follows:

349.957 1. The board for financing water projects is hereby created. The board consists of one ex officio member and five members appointed by the governor.

2. The governor shall appoint [:

(a) Four persons who are:

(1) Residents of this state; and

(2) Knowledgeable and experienced in the fields of planning and the development and reclamation of water resources.

(b) One person who is a resident of this state and knowledgeable in the field of municipal finance.] *to the board:*

(a) One member who is a representative of the county with the largest population in the state;

(b) One member who is a representative of the county with the second largest population in the state; and

(c) Three members who are representatives of counties in the state whose populations are less than 100,000,

of whom one member is knowledgeable in the field of municipal finance and the remaining members are knowledgeable in the fields of planning and the development and reclamation of water resources.

3. The administrator of the health division of the department of human resources, or a person he designates, shall serve ex officio as a nonvoting member of the board.

4. Not more than three voting members of the board may be members of the same political party and not more than two may be residents of the same county.

Sec. 6. 1. The members of the advisory board on water resources planning and development appointed pursuant to NRS 540.111, before its amendment pursuant to section 4 of this act, cease to serve in that capacity after September 30, 1995.

2. As soon as practicable after the effective date of this section, the governor shall appoint to the advisory board on water resources planning and development the members required by the amendatory provisions of section 4 of this act, to commence their service in that capacity on October 1, 1995.

Sec. 7. 1. The terms of office of the members of the board for financing water projects who serve in that capacity on September 30, 1995, expire on that date.

2. As soon as practicable after the effective date of this section, the governor shall appoint to the board for financing water projects:

(a) Two of the members required by the amendatory provisions of section 5 of this act to initial terms that commence on October 1, 1995, and expire on September 30, 1996;

(b) Two of the members required by the amendatory provisions of section 5 of this act to initial terms that commence on October 1, 1995, and expire on September 30, 1997; and

(c) One of the members required by the amendatory provisions of section 5 of this act to an initial term that commences on October 1, 1995, and expires on September 30, 1998.

Sec. 8. 1. This section and sections 6 and 7 of this act become effective upon passage and approval.

2. Sections 1 through 5, inclusive, of this act become effective on October 1, 1995.".

Amend the title of the bill, fifth line, by deleting "development;" and inserting: "development and the board for financing water projects.".

Amend the summary of the bill, third line, by deleting "development." and inserting: "development and board for financing water projects.".

Assemblyman de Braga moved the adoption of the amendment.

Remarks by Assemblyman de Braga.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 218.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1521.

Amend section 1, page 1, line 2, by deleting "$935,388" and inserting "$595,000".

Amend section 1, page 1, by deleting lines 3 and 4 and inserting: "business process re-engineering study.".

Amend the bill as a whole by deleting sec. 3 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. 1. There is hereby appropriated from the state highway fund to the interim finance committee for allocation to the department of motor vehicles and public safety the sum of $340,388 for costs for computer programming related to the revision of existing motor vehicle operating applications.

2. The appropriation made by subsection 1 must be allocated by the interim finance committee to the department of motor vehicles and public safety upon:

(a) Completion of the business process re-engineering study specified in section 1 of this act; and

(b) Approval by the interim finance committee of the department's plan to implement the recommendations of the study.

3. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 1997, and reverts to the state highway fund as soon as all payments of money committed have been made.

Sec. 4. This act becomes effective on June 30, 1995.".

Amend the title of the bill by deleting the first line and inserting: "An Act making appropriations from the state highway fund for use by the department of motor".

Amend the summary of the bill by deleting the first line and inserting:

"Summary—Makes appropriations from state highway fund for use by department of motor vehicles and".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 492.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1505.

Amend sec. 21, page 6, by deleting lines 14 through 23 and inserting:

"630A.590 A person who:

1. Presents to the board as his own the diploma, license , *certificate* or credentials of another;

2. Gives either false or forged evidence of any kind to the board;

3. Practices homeopathic medicine under a false or assumed name; or

4. Except as otherwise provided in section 1 of [this act,] *Assembly Bill No. 645 of this session,* practices homeopathic medicine without being licensed *or certified* under this chapter,

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

Amend sec. 22, page 6, by deleting lines 25 through 28 and inserting:

"630A.600 Except as otherwise provided in section 1 of [this act,] *Assembly Bill No. 645 of this session,* a person who practices homeopathic

medicine without a license *or certificate* issued pursuant to this chapter is guilty of a category D felony and shall be punished as provided in NRS 193.130.".

Amend sec. 23, page 6, line 31, by deleting "21," and inserting "22,".

Assemblyman Spitler moved the adoption of the amendment.

Remarks by Assemblyman Spitler.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 538.

Bill read second time.

The following amendment was proposed by the Committee on Commerce:

Amendment No. 1513.

Amend sec. 7, page 2, line 6, by deleting "*3*" and inserting "*2*".

Amend sec. 8, page 2, line 18, after "this" by inserting: "*act, and which holds a certificate of registration issued by the commission pursuant to section 17 of this*".

Amend sec. 9, page 2, lines 22 and 23, by deleting "*small employers*" and inserting: "*voluntary purchasing groups*".

Amend sec. 10, page 2, line 27, by deleting "*small employer.*" and inserting: "*voluntary purchasing group.*".

Amend sec. 11, page 2, line 46, by deleting: "*small employer to whom*" and inserting: "*voluntary purchasing group to which*".

Amend sec. 11, page 3, line 1, by deleting "*small employer*" and inserting: "*voluntary purchasing group*".

Amend sec. 12, page 3, line 3, by deleting "*small employer,*" and inserting: "*voluntary purchasing group,*".

Amend sec. 12, page 3, line 5, by deleting "*employer*" and inserting: "*employers that are members of the voluntary purchasing group*".

Amend sec. 13, page 3, line 33, after "*small employers*" by inserting: "*that are members of a voluntary purchasing group*".

Amend sec. 14, page 4, by deleting lines 1 and 2 and inserting:

"Sec. 14. *1. A carrier may cease to renew all contracts covering voluntary purchasing groups. The*".

Amend sec. 14, page 4, by deleting lines 7 and 8 and inserting: "*voluntary purchasing groups shall not:*

(a) Enter into a new contract with a voluntary purchasing group for a period of 30 months after the".

Amend sec. 14, page 4, lines 10 and 11, by deleting: "*the nonrenewed class of business*" and inserting: "*a nonrenewed voluntary purchasing group*".

Amend sec. 15, page 4, line 20, by deleting "*3*" and inserting "*2*".

Amend sec. 18, page 5, by deleting lines 17 through 24 and inserting:

"*(b) Provide to members of the group and their eligible employees information meeting the requirements of section 10 of this act regarding any proposed contracts.*".

Amend the summary of the bill, second line, by deleting "ers." and inserting: "ers that are members of voluntary purchasing group.".

Assemblyman Tiffany moved the adoption of the amendment.

Remarks by Assemblyman Tiffany.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 569.

Bill read second time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1477.

Amend the bill as a whole by deleting sec. 2 and renumbering sec. 3 as sec. 2.

Amend sec. 3, page 4, line 29, after "list" by inserting: "*of nominees submitted pursuant to this paragraph*".

Amend sec. 3, page 4, by deleting lines 37 through 40 and inserting: "himself only once.".

Amend the bill as a whole by deleting sec. 4 and adding new sections designated sections 3 and 4, following sec. 3, to read as follows:

"Sec. 3. NRS 244A.665 is hereby amended to read as follows:

244A.665 At the time and place fixed in the resolution for the meeting of the county fair and recreation board, all sealed proposals which have been received [shall,] *must,* in public session, be opened, examined and declared by the board. Of the proposals submitted which conform to all terms and conditions specified in the resolution of intention to lease, and which are made by responsible bidders, the proposal which is the highest [shall] *must* be finally accepted, unless [a] *:*

1. As a result of negotiation, the highest proposal is increased;

2. A higher oral bid is accepted *;* or [the]

3. The board rejects all bids.

Sec. 4. NRS 244A.667 is hereby amended to read as follows:

244A.667 1. Before accepting any written proposal, the county fair and recreation board [shall] *may* call for oral bids. If upon the call for oral bidding, any responsible person offers to lease the property upon the terms and conditions specified in the resolution for a rental exceeding by at least 5 percent the highest written proposal, then the highest oral bid which is made by a responsible person [shall] *must* be finally accepted, unless the board rejects all bids.

2. At the same meeting or at a subsequent meeting within 10 days, the board shall:

(a) Make a final acceptance of the highest bid; or

(b) If it considers such action in the best public interest, reject all bids, either written or oral, and withdraw the property from the offering.

3. Upon acceptance of a bid, the board shall direct the chairman to execute a lease and deliver it to the lessee upon the lessee's compliance with any concurrent conditions of the contract.".

Amend the bill as a whole by deleting sections 6 and 7 and renumbering sections 8 and 9 as sections 6 and 7.

Amend sec. 8, page 7, by deleting lines 41 through 43 and inserting: "ant to subsection 1 does not count against the limit upon service set forth in subsection 2 of NRS 244A.601.".

Amend sec. 9, pages 7 and 8, by deleting lines 44 through 47 on page 7 and lines 1 and 2 on page 8 and inserting:

"Sec. 7. 1. This section and section 6 of this act become effective on July 1, 1995.

2. Sections 1 through 5, inclusive, of this act become effective on October 1, 1995.".

Amend the bill as a whole by deleting the leadlines of repealed sections.

Amend the title of the bill to read as follows:

"An Act relating to local financial administration; changing certain provisions for the collection of the tax on transient lodging; clarifying the provisions regarding the selection of certain members and staggering the terms of certain members of a county fair and recreation board; changing certain provisions concerning the procedure for rental or lease of space in a county recreational facility; and providing other matters properly relating thereto.".

Assemblyman Stroth moved the adoption of the amendment.

Remarks by Assemblyman Stroth.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Giunchigliani moved that Senate Bill No. 322 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

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

Assembly in recess at 2:54 p.m.

ASSEMBLY IN SESSION

At 5:40 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 741, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

MORSE ARBERRY, JR., *Chairman*

Mr. Speaker:

Your Committee on Taxation, to which was referred Senate Bill No. 546, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Taxation, to which was referred Senate Bill No. 556, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JEANNINE STROTH, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 556, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Health and Human Services, to which was referred Senate Bill No. 428, has had the same under consideration, and begs leave to report the same back without recommendation.

JAN MONAGHAN, *Chairman*

Mr. Speaker:

Your Concurrent Committee on Ways and Means, to which was referred Senate Bill No. 428, has had the same under consideration, and begs leave to report the same back without recommendation.

JOHN MARVEL, *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Assembly Bill No. 671, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 1, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 73, 113, 194, 223, 243, 270, 271, 351, 406, 415, 443, 735.

Also, I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 619, 695.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 292, 520, 552, 637, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 132 and requests a conference, and appointed Senators Titus, Washington and Porter as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 606 and requests a conference, and appointed Senators James, Adler and McGinness as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Assembly Bill No.185.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 187.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Senate Bills Nos. 204, 495.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 214, 414.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Bache moved that Senate Bill No. 441 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Elections and Procedures, to which were referred Assembly Concurrent Resolution No. 53; Senate Concurrent Resolutions Nos. 30, 40, 52, 59, has had the same under consideration, and begs leave to report the same back with the recommendation: Be adopted.

JACK D. CLOSE, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

By Assemblymen Freeman, Segerblom, de Braga, Steel, Braunlin, Ohrenschall, Krenzer, Stroth, Giunchigliani, Lambert, Monaghan, Chowning, Tripple, Brower and Buckley:

Assembly Resolution No. 17—Commending the Speakers pro Tempore of the 68th session of the Nevada Legislature for their service.

WHEREAS, It is customary that the members of the Assembly elect a Speaker pro Tempore to preside in the temporary absence of the Speaker and serve as a part of the leadership of the Assembly; and

WHEREAS, The equal division between the parties this session led to a unique sharing of leadership responsibilities and the election of two women to serve as Speakers pro Tempore; and

WHEREAS, Jan Evans and Sandra Tiffany each brought to the office a refreshing perspective to complement the traditional notions of legislative leadership; and

WHEREAS, Their individual service at the podium when presiding over the Assembly was efficient and effective, even when they served at a moment's notice; and

WHEREAS, The importance of their additional contributions to the legislative process is not diminished by the fact that much of the work done by these strong leaders was accomplished quietly and without public recognition; and

WHEREAS, The strength, compassion and commitment of these two Assemblywomen to the legislative process and the residents of this state must be recognized and commended; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, That the members of the Assembly of the 68th session of the Nevada Legislature commend and extend their sincere thanks to Jan Evans and Sandra Tiffany for their dedicated and effective service as Speakers pro Tempore; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to Jan Evans and Sandra Tiffany.

Assemblyman de Braga moved the adoption of the resolution.

Remarks by Assemblymen de Braga, Segerblom, Spitler, Brower, Marvel, Hettrick, Anderson, Chowning, Monaghan, Mr. Speaker Dini and Price.

Assemblyman Allard requested that the following remarks be entered in the Journal.

ASSEMBLYMAN DE BRAGA:

Thank you, Mr. Speaker. These two women that we are very pleased to honor here today have been through this session, both as very effective and efficient leaders. They have done their job quietly and have not received much recognition. We, the women of the 68th session, want them to know how very proud we are of their accomplishments and how very pleased we are to have them as leaders. Thank you.

ASSEMBLYMAN SEGERBLOM:

Thank you, Mr. Speaker. I rise in support of Assembly Resolution No. 17. I know this is not the "Year of the Woman." It was two years ago when all us women were elected, but we think it is the "Year of the Woman," since we have two women Co-Speakers; Co-Existing Speakers. It has been the first time that has happened for two wonderful parties. We feel very fortunate to have such wonderful additions to our Assembly, and we hope that they will be back.

ASSEMBLYMAN SPITLER:

Thank you, Mr. Speaker. I also rise in support of Assembly Resolution No. 17. It has been my pleasure, since 1991, to work with my colleague from Sparks. I have certainly enjoyed the times I was on her side, because she can be quite effective if you tend to disagree along the way or have a different point of view. But it has always been a pleasure working with her. When she has the flag and she has the issue at hand, I don't think anyone waves it more proudly and with more strength than she does, and I really enjoy that.

This has been my first time with my colleague from southern Nevada, and I have had a really unique experience because not only have I seen what she is capable of doing on the floor of the Assembly, it was truly my pleasure to co-chair Commerce with her this time. I have to tell you, once or twice we definitely locked horns. I am not sure I have walked away as the victor in any of those, because she is very capable of taking the car for the full ride. It has been wonderful to see that interaction and to be a part of that. I have to thank her for allowing me to share that experience.

I think what we have seen here with the leadership of two women being Speakers pro Tempore this year, is we have certainly seen leadership on their part and not leadership diversities in general. I think we all benefit and sometimes the transition is difficult and a little rocky road along the way, but ultimately, history looks back and says that this diversification and these changes toward inclusiveness benefit us all. I thank both of these people; I am thrilled that we are honoring them.

I think a lot of times people in the number two position don't always get the day-to-day praise. So I am very proud to stand in support of Assembly Resolution No. 17. Thank you, Mr.Speaker.

ASSEMBLYMAN BROWER:

Thank you, Mr. Speaker. I rise in support of Assembly Resolution No. 17. I would like to say that I think that we have two of the best Speakers pro Tempore anywhere. I think we are very fortunate to have leaders of this caliber here in our state. Thank you.

ASSEMBLYMAN MARVEL:

Thank you, Mr. Speaker. I rise in support of Assembly Resolution No. 17. I had the pleasure of being Co-Chair of Ways and Means and to have two very bright, brilliant, dedicated ladies as being Vice Co-Chairs. It was quite a unique experience, and may I say this to the members of this body, those women in their roles as Co-Chairs were able to fill in for either Chairman Arberry or I when we were absent. They performed magnificently on the Subcommittees that they co-chaired, and they were tough committees. I think that they did an excellent job on their budget closings. This body, the whole legislature and the State of Nevada can be very proud of these two ladies for their dedicated work to the state.

ASSEMBLYMAN HETTRICK:

Thank you, Mr. Speaker. I, too, rise in support of Assembly Resolution No. 17. I think it is true, unfortunately, that as Speakers pro Tempore they don't get the recognition on

the floor, and I think that it is unfortunate. I think they have done an excellent job when we have needed them to fill in. They have done this with impeccable efficiency whenever they had the opportunity to do so.

I have to say that their real strength was shown on Ways and Means and in the committee. These are two really talented ladies with a lot of intelligence who can ask the tough questions, follow it through and are truly a part of this process. I clearly think they don't get the recognition either one of them deserve, and I am glad that we are doing this. I fully support this resolution.

ASSEMBLYMAN ANDERSON:

Thank you, Mr. Speaker. I rise in support of Assembly Resolution No. 17. It always surprises me, I guess, coming from a session that is dominated by women that people don't recognize that people who are Speakers pro Tempore are in their positions because they are leaders. They are leaders which might sound like a small thing; honoring women in recognition that they are leaders and they prove that every day by what they do here. I am happy to follow their lead from time to time, disagree with them from time to time, but knowing that when I do, they are up to the fight because they are willing to lead. You can always tell a leader. They are the ones with all of the arrows in their backs. These two ladies get their quiver every day.

ASSEMBLYMAN CHOWNING:

Thank you, Mr. Speaker. I rise in support of Assembly Resolution No. 17. When you are second in line, you're called the "pinch hitters." I would just like to say that I am so proud of the way these two "pinch hit" and filled in. They did it with dedication and with class. I am very grateful and thank you.

ASSEMBLYMAN MONAGHAN:

Thank you, Mr. Speaker. I also rise in support and admiration both to my colleague from Henderson and my colleague from Sparks. I would like to thank them both for their leadership, integrity and their honesty. It has been a pleasure to work with both of them.

ASSEMBLYMAN DINI:

Thank you, very much. I guess I ought to say something before all these lights go on. I wish they wouldn't. What I would like to say is that I know Ms. Evans a lot better than I know Ms. Tiffany because we have been associated here in this house for a good number of years. I really appreciated having Jan serving as my Speaker pro Tempore. I made her my best pal. I think and I consider her that because we can discuss any issue and no matter where we are on it, we can always talk about it. I notice that both of our Speakers pro Tempore came on strong. As the year went along, they got stronger and learned the process better. I think we have an excellent team that has produced well for the citizens of our state. I want to congratulate both of you for good work and coming along strong.

ASSEMBLYMAN PRICE:

Thank you, Mr. Speaker. I, too, want to speak on behalf and in favor of Assembly Resolution No. 17, congratulating and recognizing the talent and the work of our colleagues. I am not sure how many years that I have served on Ways and Means with Mrs. Evans, but I can tell you that I listen to everything she says for direction. She is so good and knows the system so well.

The last two sessions I have served with Mrs. Tiffany and we've sat next to each other, which makes it easier for me to ask questions about technical matters and computer matters. She digs into the system so well. Of course, with the times they have lead us from the podium as our Speakers pro Tempore, they both have always done an excellent job. We are very fortunate to have them as colleagues and fellow legislators. We thank you so much for your service to your districts and the whole state.

ASSEMBLYMAN EVANS:

Thank you, Mr. Speaker. The first time I presided, someone asked me after the session, "Isn't it kind of scary up there?" And I said, "Well, it is a different perspective." I am used to seeing the back of people's heads and so forth. I think it wasn't too scary for me. First of all, because I had the experience and knowledge and the steady hand of Speaker Dini always to rely upon and, of course, the most comforting part of that is the front desk

and Mrs. Landing. There is no way in the world they are going to let you fall on your face no matter how lost you get. They have an incredible way of making you look like you know what you are doing. So, I thank all of them. It has been an honor to serve in this capacity. It has been an honor also to serve with my colleague from Henderson, Ms. Tiffany. We have been soul mates on Ways and Means, grinding those numbers now for a couple of sessions, and I certainly have to concur with what has been said previously. She always gives 110 percent in whatever she does. Not very much gets past her and it is just great to work with her. Thanks to all of you.

ASSEMBLYMAN TIFFANY:

Thank you, Mr. Speaker. I am shocked and flabbergasted. I was out running the halls trying to get business done for these Conference Committees, so I did not expect this, and I am overwhelmed. I was complaining about all the great clocks and said, "What about us?" Thank you.

I would also like to take it to the next step and talk about the front desk for a second. It is scary up there. I probably should have had sweat pants on every time I was up there. I was a nervous wreck. Mouryne Landing, when Bob discussed her fading back like with a football, it is exactly what she does, only I was going, "What, what? What are you doing?" She is great. She never let us fail and the same with my "co-pro Tempore."

We have spent some time together. We have been on Ways and Means together, vice-chairs together, health care committees together, I can go on and on. I respect everything she has to say. She has a legislative memory and history that is unparalleled, particularly, in health care issues and social issues. It has been a pleasure working with you. I just want to thank everybody. Thank you.

Resolution adopted unanimously.

Assemblyman Perkins moved that Assembly Concurrent Resolution No. 53; Senate Concurrent Resolutions Nos. 30, 40, 52, 59 be placed on the Resolution File.

Motion carried.

Assemblyman Perkins moved that Assembly Bills Nos. 631, 733; Senate Bills Nos. 299, 420, 442, 560 be placed on the General File.

Motion carried.

Assemblyman Perkins moved that Senate Bill No. 546 be placed on the Second Reading File.

Motion carried.

Assembly Concurrent Resolution No. 53.

Assemblyman Close moved the adoption of the resolution.

Remarks by Assemblyman Close.

Resolution adopted.

Senate Concurrent Resolution No. 30.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblymen Giunchigliani and Harrington.

Resolution adopted.

Senate Concurrent Resolution No. 40.

Assemblyman Close moved the adoption of the resolution.

Remarks by Assemblyman Close.

Resolution adopted.

Senate Concurrent Resolution No. 52.

Assemblyman Giunchigliani moved the adoption of the resolution.

Remarks by Assemblyman Giunchigliani.
Resolution adopted.

Senate Concurrent Resolution No. 59.
Assemblyman Close moved the adoption of the resolution.
Remarks by Assemblyman Close.
Resolution adopted.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 204.
Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

Senate Bill No. 495.
Assemblyman Perkins moved that the bill be referred to the Committee on Ways and Means.
Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 546.
Bill read second time.
The following amendment was proposed by the Committee on Taxation:
Amendment No. 1325.
Amend sec. 2, page 2, line 7, by deleting "triplicate" and inserting "duplicate".
Assemblyman Stroth moved the adoption of the amendment.
Remarks by Assemblyman Stroth.
Amendment adopted.
Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Carpenter moved that Senate Bill No. 121 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

Assemblyman Perkins moved that Senate Bill No. 397 be taken from the Chief Clerk's desk and placed on the General File.
Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 550.
Bill read third time.
Remarks by Assemblyman Goldwater.
Roll call on Senate Bill No. 550:
YEAS—42.
NAYS—None.

Senate Bill No. 550 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Price moved that Senate Bill No. 322 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 741.

Bill read third time.

Remarks by Assemblymen Chowning and Giunchigliani.

Roll call on Assembly Bill No. 741:

YEAS—35.

NAYS—Bache, Brower, Close, de Braga, Giunchigliani, Harrington, Stroth—7.

Assembly Bill No. 741 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 556.

Bill read third time.

Remarks by Assemblymen Ernaut, Giunchigliani, Price, Goldwater, Segerblom, Schneider, Close, Bennett, Nolan, Harrington, Ernaut and Manendo.

Potential conflict of interest declared by Assemblyman Perkins.

Roll call on Senate Bill No. 556:

YEAS—35.

NAYS—Bache, Braunlin, Brower, Giunchigliani, Monaghan—5.

Not voting—Arberry, Bennett—2.

Senate Bill No. 556 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Assembly Bill No. 671.

Bill read third time.

Remarks by Assemblymen Stroth, Bennett and Giunchigliani.

Roll call on Assembly Bill No. 671:

YEAS—42.

NAYS—None.

Assembly Bill No. 671 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 441.

Bill read third time.

Remarks by Assemblyman Tripple.

Roll call on Senate Bill No. 441:

YEAS—42.

NAYS—None.

Senate Bill No. 441 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 428.

Bill read third time.

Remarks by Assemblymen Monaghan, Evans, Steel, Tiffany and Williams.

Roll call on Senate Bill No. 428:

YEAS—21.

NAYS—Anderson, Arberry, Bache, Buckley, Chowning, de Braga, Evans, Freeman, Giunchigliani, Goldwater, Krenzer, Manendo, Neighbors, Ohrenschall, Perkins, Price, Schneider, Segerblom, Spitler, Williams, Mr. Speaker Dini—21.

Senate Bill No. 428 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 631.

Bill read third time.

Remarks by Assemblyman Neighbors.

Roll call on Assembly Bill No. 631:

YEAS—42.

NAYS—None.

Assembly Bill No. 631 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 733.

Bill read third time.

Remarks by Assemblymen Ohrenschall and Giunchigliani.

Roll call on Assembly Bill No. 733:

YEAS—42.

NAYS—None.

Assembly Bill No. 733 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 299.

Bill read third time.

Remarks by Assemblymen Anderson, de Braga, Giunchigliani, Stroth, Bache, Batten, Perkins, Hettrick, Ernaut, Carpenter, Freeman, Price and Humke.

Assemblymen Marvel, Ernaut and Hettrick moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 299.

Roll call on Senate Bill No. 299:

YEAS—37.

NAYS—Bache, Batten, Evans, Giunchigliani, Nolan—5.

Senate Bill No. 299 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 420.

Bill read third time.

The following amendment was proposed by Assemblymen Giunchigliani and Close:

Amendment No. 1517.

Amend section 1, page 1, line 2, by deleting: "2, 3 and 4" and inserting: "2 to 12, inclusive,".

Amend the bill as a whole by renumbering sections 2 through 4 as sections 5 through 7 and adding new sections designated sections 2 through 4, following section 1, to read as follows:

"Sec. 2. *"Mechanical recording device" has the meaning ascribed to it in NRS 293B.032.*

Sec. 3. *"Mechanical voting system" has the meaning ascribed to it in NRS 293B.033.*

Sec. 4. *"Nonpartisan office" means an elected office for which a political party may not nominate a candidate.*".

Amend the bill as a whole by deleting sections 5 through 20 and adding new sections designated sections 8 through 68, following sec. 4, to read as follows:

"Sec. 8. *1. A registered voter may submit a written request to the county clerk to have his address withheld from any list of registered voters made available for public inspection pursuant to NRS 293.301, 293.440 and 293.557.*

2. After the county clerk receives a request from a registered voter pursuant to subsection 1, the person's address must be withheld from any such list.

3. No information other than the address of a registered voter may be withheld from a list of registered voters.

Sec. 9. *If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance, the election board shall, before the polls open on each day during that period:*

1. Prepare each mechanical recording device for voting.

2. Ensure that each mechanical recording device will not register any ballots which were previously voted on the mechanical recording device as having been voted on that day.

Sec. 10. *If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance:*

1. At the close of each voting day the election board shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number of the precinct or voting district;

(3) The number which identifies the mechanical recording device and the storage device required pursuant to section 48 of this act;

(4) The number of ballots voted on the mechanical recording device for that day;

(5) The number of signatures in the roster for early voting for that day; and

(6) The number of voting receipts retained pursuant to NRS 293.3585 for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the secretary of state pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) The statements for all polling places for early voting;

(b) The voting receipts retained pursuant to NRS 293.3585;

(c) The voting rosters used for early voting;

(d) The storage device required pursuant to section 48 of this act from each mechanical recording device used during the period for early voting; and

(e) Any other items as determined by the county clerk.

3. Upon receipt of the items set forth in subsection 2 at the close of the last voting day, the ballot board for early voting shall:

(a) Sort the items by precinct or voting district;

(b) Count the number of ballots voted by precinct or voting district;

(c) Account for all ballots on an official statement of ballots; and

(d) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place.

Sec. 11. *On election day the county clerk shall:*

1. Ensure that each mechanical recording device used during the period for early voting provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

2. Deliver to the central counting place:

(a) The items sorted and counted pursuant to subsection 3 of section 10 of this act;

(b) The records printed on paper provided pursuant to subsection 1; and

(c) The storage device required pursuant to section 48 of this act from each mechanical recording device used during the period for early voting.

Sec. 12. *An absent ballot or a ballot voted by a voter who resides in a mailing precinct must be voted on a paper ballot or a ballot which is voted by punching a card.*

Sec. 13. NRS 293.010 is hereby amended to read as follows:

293.010 As used in this Title, unless the context otherwise requires, the words and terms defined in NRS 293.013 to 293.121, inclusive, *and sections 2, 3 and 4 of this act,* have the meanings ascribed to them in those sections.

Sec. 14. NRS 293.025 is hereby amended to read as follows:

293.025 "Ballot" means the [printed paper bearing the listing of candidates' names, and of questions to be] *record of a voter's preference of candidates and questions* voted upon at an election. *The term includes, without limitation, any paper given to a voter upon which he places his vote, a punch card which records the vote of a voter and electronic storage tapes.*

Sec. 15. NRS 293.1275 is hereby amended to read as follows:

293.1275 If the last day limited for filing any paper mentioned in this Title [shall fall] *falls* on a Saturday, Sunday, legal holiday or any holiday proclaimed by the governor, [then] the period so limited [shall] *must* expire on the [preceding] *following* business day at 5 p.m.

Sec. 16. NRS 293.165 is hereby amended to read as follows:

293.165 1. Except as otherwise provided in NRS 293.166, a vacancy occurring in a *major or minor political* party nomination for office may be filled by a candidate designated by the party central committee of the county or state, as the case may be, subject to the provisions of subsections 4 and 5.

2. A vacancy occurring in a nonpartisan nomination after the close of filing and before the first Tuesday in September must be filled by filing a nominating petition that is signed by at least 1 percent of the *persons who are* registered [voters] *to vote and* who voted for the office in question in the state, county, district or municipality at the last preceding general election. The petition must be filed not earlier than the first Tuesday in June and not later than the third Tuesday in September. A candidate nominated pursuant to the provisions of this subsection may be elected only at a general election and his name must not appear on the ballot for a primary election.

3. A vacancy occurring in a nonpartisan nomination after a primary election and before the second Tuesday in September must be filled by the person who received the next highest vote for the nomination in the primary.

4. Except to place a candidate nominated pursuant to subsection 2 on the ballot, no change may be made on the ballot after the second Tuesday in September of the year in which the general election is held. If a nominee dies after that date, his name must remain on the ballot and, if elected, a vacancy exists.

5. All designations provided for in this section must be filed before 5 p.m. on the second Tuesday in September. In each case, the statutory filing fee must be paid and an acceptance of the designation must be filed before 5 p.m. on that date.

Sec. 17. NRS 293.176 is hereby amended to read as follows:

293.176 1. Except as otherwise provided in subsection 2, no person may be a candidate [for a party nomination] in any election if he has changed:

(a) The designation of his political party affiliation; or

(b) His designation of political party from nonpartisan to a designation of a political party affiliation,

on an official affidavit of registration in the State of Nevada or in any other state since the September 1 next preceding the closing filing date for the election, whether or not his previous registration was still effective at the time of the change in party designation.

2. The provisions of subsection 1 do not apply to any person who is a candidate for a party nomination of a political party which was not qualified [as such] *pursuant to NRS 293.171* on the September 1 next preceding the closing filing date for the election.

Sec. 18. NRS 293.195 is hereby amended to read as follows:

293.195 1. Judicial offices, school offices, the office of county sheriff, *the board of regents of the University of Nevada, city and town officers, the state board of education* and members of boards of hospital trustees of public hospitals are hereby designated nonpartisan offices.

2. No words designating the party affiliation of a candidate for nonpartisan offices may be printed upon the ballot.

Sec. 19. NRS 293.202 is hereby amended to read as follows:

293.202 [Any]

1. Except as otherwise provided in subsection 2, any withdrawal of candidacy for office must be in writing and must be presented by the candidate in person, within 7 days after the last day for filing, to the officer whose duty it is to receive filings for candidacy for that office.

2. A withdrawal of candidacy for city office must be in writing and must be presented by the candidate in person, within 2 days after the last day for filing, to the officer whose duty it is to receive filings for candidacy for that office.

Sec. 20. NRS 293.209 is hereby amended to read as follows:

293.209 [No] *A* political subdivision of this state [may] *shall not* create, divide, change the boundaries of, abolish or consolidate an election district during any year in which a general election *or city general election* is held [.] *for that election district.* This section does not prohibit a political subdivision from annexing territory in a year in which a general election *or city general election* is held [.] *for that election district.*

Sec. 21. NRS 293.2673 is hereby amended to read as follows:

293.2673 *1.* A ballot prepared for use in an election in this state must be dated and marked in such a manner as to indicate clearly at which election the ballot will be used.

2. If a ballot includes a detachable stub, both the ballot and the stub must include the date of the election [.] *and indicate clearly at which election the ballot will be used.*

3. If a ballot includes a voting receipt which has two parts, each part of the voting receipt must include the date of the election and indicate clearly at which election the ballot will be used.

Sec. 22. NRS 293.297 is hereby amended to read as follows:

293.297 1. *Except as otherwise provided in subsection 2:*

(a) Any voter who spoils his ballot may return the spoiled ballot to the election board and receive another in its place.

[2.] *(b)* The election board officers shall indicate in the pollbook that the ballot is spoiled and shall enter the number of the ballot issued in its place.

[3.] *(c)* Each spoiled ballot returned must be canceled by writing the word "Canceled" across the back of the ballot. A spoiled paper ballot must be canceled without unfolding it.

[4.] *(d)* A record must be made of those canceled ballots at the closing of the polls and before counting. The ballots must be placed in a separate envelope and returned to the appropriate county or city clerk with the election supplies.

2. If ballots which are voted on a mechanical recording device which directly records the votes electronically are used, the voter must be able to change his vote before the mechanical recording device permanently records that vote.

Sec. 23. NRS 293.300 is hereby amended to read as follows:

293.300 [A] *Except as otherwise provided in subsection 2 of NRS 293.297, a* voter who does not vote the ballot delivered to him shall, before leaving the polling place, return [such] *that* ballot to the election board and it [shall] *must* be canceled in the same manner as a spoiled ballot.

Sec. 24. NRS 293.301 is hereby amended to read as follows:

293.301 1. The county clerk of each county shall require an election board officer [or officers] to post an alphabetical listing of all registered voters for each precinct in a public area of each polling place in the county. [The] *Except as otherwise provided in section 8 of this act, the* alphabetical listing must include the name, address and political affiliation of each voter. [At the end of each hour that] *Not less than four times during the hours in which* the polling place is open, [up to and including 6 p.m.,] an election board officer shall identify the name of each voter that voted [during the previous hour.] *since the last identification.*

2. Each page of the alphabetical listing must contain a notice which reads substantially as follows:

> It is unlawful for any person to remove, tear, mark or otherwise deface this alphabetical listing of registered voters except an election board officer acting pursuant to subsection 1 of NRS 293.301.

3. Any person who removes, tears, marks or otherwise defaces an alphabetical listing posted pursuant to this section with the intent to falsify or prevent others from readily ascertaining the name, address or political affiliation of any voter, or the fact that a voter has or has not voted, is guilty of a misdemeanor.

Sec. 25. NRS 293.304 is hereby amended to read as follows:

293.304 1. If a person is successfully challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303, the election board shall issue a prepared envelope to the person in a form provided by the secretary of state which contains on the outside of the envelope:

(a) The name of the voter;

(b) The address which appears on the record of voter registration;

(c) The address at which the voter actually resides;

(d) The signatures of the members of the election board who issued the prepared envelope; and

(e) Other information which the secretary of state deems necessary to carry out the provisions of this section.

2. The election board officers shall issue to the challenged voter a *paper* ballot *or a ballot which is voted by punching a card* to vote. The ballot must be voted at that polling place. The voted ballot must be placed in an envelope and that envelope must be placed and sealed in the prepared envelope issued pursuant to subsection 1. The ballot must be kept separate from the ballots of voters who have not been so challenged in a special ballot box for such ballots.

3. The votes contained on ballots that have been placed in the special ballot box must be counted for the following offices and questions in the same manner as the ballots of voters who have not been challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303:

(a) President and Vice President of the United States;

(b) United States Senator;

(c) All state officers for whom all voters in the state may vote;

(d) All officers for whom all voters in the county may vote; and

(e) Questions which have been submitted to all voters of the county or state.

The remaining votes on the ballot must not be counted until the county clerk determines that the address at which the voter actually resides, as indicated on the outside of the prepared envelope, is the address listed for the voter in the election board register. Such a determination must be made within 3 days after the election.

4. The secretary of state shall provide by regulation for:

(a) The form of prepared envelopes; and

(b) The counting and security of ballots voted pursuant to this section.

Sec. 26. NRS 293.356 is hereby amended to read as follows:

293.356 1. If a request is made to vote early by a registered voter in person, the county clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk. [The] *If the ballot is a paper ballot or a ballot which is voted by punching a card, the* clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. From the third Saturday preceding an election through the Friday before the election, Sundays [excepted,] *and holidays excepted, unless the county clerk includes a Sunday or holiday within the period for early voting by personal appearance pursuant to NRS 293.3568,* each county clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.

Sec. 27. NRS 293.3564 is hereby amended to read as follows:

293.3564 1. The county clerk may establish permanent polling places for early voting by personal appearance at locations designated by him

throughout the county. Except as otherwise provided in subsection 2, any person entitled to vote early by personal appearance may do so at any polling place for early voting.

2. If it is impractical for the county clerk to provide at each polling place for early voting a ballot in every form required in the county, he may:

(a) Provide appropriate forms of ballots for all offices within a *township, city, town or* county commissioner election district [;] *, as determined by the county clerk;* and

(b) Limit voting at that polling place to registered voters in that *township, city, town or county commissioner election* district.

Sec. 28. NRS 293.3568 is hereby amended to read as follows:

293.3568 1. The period for early voting by personal appearance begins on the third Saturday preceding a primary or general election and extends through the Friday before election day, Sundays *and holidays* excepted.

2. *The county clerk may:*

(a) Include any Sunday or holiday that falls within the period for early voting by personal appearance.

(b) Require a permanent polling place for early voting to remain open until 8 p.m. on any Saturday that falls within the period for early voting.

3. A permanent polling place for early voting must remain open:

(a) On Monday through Friday:

(1) During the first week of early voting, from 8 a.m. until 6 p.m.

(2) During the second week of early voting, from 8 a.m. until [8 p.m.] *6 p.m. or until 8 p.m. if the county clerk so requires.*

(b) On any Saturday that falls within the period for early voting, from 10 a.m. until 6 p.m.

(c) If the county clerk includes a Sunday that falls within the period for early voting pursuant to subsection 2, during such hours as he may establish.

Sec. 29. NRS 293.3572 is hereby amended to read as follows:

293.3572 1. In addition to permanent polling places for early voting, the county clerk may establish temporary branch polling places for early voting.

2. The provisions of subsection [2] *3* of NRS 293.3568 do not apply to a temporary polling place. Voting at a temporary branch polling place may be conducted on any one or more days and during any hours within the period for early voting by personal appearance, as determined by the county clerk.

3. The schedules for conducting voting are not required to be uniform among the temporary branch polling places.

Sec. 30. NRS 293.3585 is hereby amended to read as follows:

293.3585 1. Upon the appearance of a person to cast a ballot for early voting, the deputy clerk for early voting shall:

(a) Determine that the person is a registered voter in the county;

(b) Instruct the voter to sign the roster for early voting; and

(c) Verify the signature of the voter against that contained on the original affidavit of registration, or the card issued to the voter at the time of registration, or other piece of official identification.

2. The county clerk shall prescribe a procedure, approved by the secretary of state, to determine that the voter has not already voted pursuant to this section.

3. The roster for early voting must contain:

(a) The voter's name, the address where he is registered to vote, his voter identification number and a place for the voter's signature;

(b) The voter's precinct *or voting district* number; and

(c) The date of voting early in person.

4. When a voter is found to be entitled to cast his ballot and has identified himself to the satisfaction of the deputy clerk for early voting, he is entitled to receive the appropriate ballot or ballots, but only for his own use at the polling place for early voting.

5. [The] *If the ballot is voted by punching a card, the* deputy clerk for early voting shall:

(a) [Mark] *Ensure that* the voter's precinct [on the bottom left-hand side of the card] *or voting district* and the form of ballot [on the bottom right-hand side of] *are indicated on* the card;

(b) Direct the voter to the appropriate [voting machine] *mechanical recording device* for his form of ballot; and

(c) Allow the voter to place his voted ballot in the ballot box.

6. *If the ballot is voted on a mechanical recording device which directly records the votes electronically, the deputy clerk for early voting shall:*

(a) Prepare the mechanical recording device for the voter;

(b) Ensure that the voter's precinct or voting district and the form of ballot are indicated on each part of the voting receipt;

(c) Retain one part of the voting receipt for the election board and return the other part of the voting receipt to the voter; and

(d) Allow the voter to cast his vote.

7. A voter applying to vote early by personal appearance may be challenged pursuant to NRS 293.303.

Sec. 31. NRS 293.359 is hereby amended to read as follows:

293.359 1. The ballot box for early voting in which voted ballots *which are paper ballots or ballots which are voted by punching a card* are deposited must have two locks, each with a different key and must be designed and constructed so that the box can be sealed to detect any unauthorized opening of the box and that the ballot slot can be sealed to prevent any unauthorized deposit in the box. The seals for the boxes must be serially numbered for each election.

2. During the period for early voting by personal appearance, the county clerk shall keep the key to one of the locks to the ballot box for early voting and a designated custodian, not under the authority of the county clerk, shall keep the key to the second lock.

3. Each custodian shall retain possession of the key entrusted to him until it is delivered to the ballot board for early voting.

Sec. 32. NRS 293.3594 is hereby amended to read as follows:

293.3594 1. A plan for the security of [unvoted] ballots for early voting must be submitted to the secretary of state for approval no later than 90 days before the election at which early voting is to be conducted.

2. At the close of early voting each day, the deputy clerk for early voting shall secure each voting machine used for early voting in a manner prescribed by the secretary of state so that its unauthorized operation is prevented.

3. All materials for early voting must be delivered to the county clerk's office at the close of voting on the last day for voting at the polling place for early voting.

Sec. 33. NRS 293.3602 is hereby amended to read as follows:

293.3602 [1. During] *If paper ballots or ballots which are voted by punching a card are used during* the period for early voting by personal appearance [, the] *:*

1. The ballots voted at the permanent or temporary polling place must be delivered by an election board officer to the county clerk's office at the close of each voting day. The seal on the ballot box must indicate the number of voted ballots contained in that box for that day.

2. When the ballot box is delivered pursuant to subsection 1, the county clerk shall provide a new ballot box locked in the manner prescribed in NRS 293.359.

3. At the close of the fourth voting day before the last day to vote early and at the close of each of the 3 days thereafter, the county clerk shall deliver all ballots voted to the ballot board for early voting. At the close of the last voting day, the county clerk shall deliver to the ballot board for early voting:

(a) Each remaining ballot box containing the ballots voted early by personal appearance and his key to each box;

(b) A voting roster of all persons who voted early by personal appearance; and

(c) Any list of registered voters used in conducting early voting.

4. Upon the call of the chairmen of the board, the custodian of the key to the second lock on the ballot boxes shall deliver his key for each box to the presiding officer.

5. Upon the receipt of ballots, the board shall:

(a) Remove all ballots from the ballot boxes and sort the ballots by precinct [;] *or voting district;*

(b) Count the number of ballots by precinct [;] *or voting district;*

(c) Account for all ballots on an official statement of ballots; and

(d) Place all official ballots in the container provided to transport those items to a central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the voted ballots to the central counting place.

6. The county clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 5 if those members do not interfere with the handling of the ballots.

Sec. 34. NRS 293.3606 is hereby amended to read as follows:

293.3606 1. *After 8 a.m. on election day, the appropriate board shall count in public the returns for early voting.*

2. *The returns for early voting must not be reported until after the polls have closed on election day.*

3. The returns for early voting [must] *may* be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of a voter's ballot.

[2.] *4.* The county clerk shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of returns for early voting before the polls close is guilty of a gross misdemeanor.

Sec. 35. NRS 293.363 is hereby amended to read as follows:

293.363 When the polls are closed, the counting board shall prepare to count the ballots voted that day. The counting procedure must be public and continue without adjournment until completed. [The] *If the ballots are paper ballots or ballots which are voted by punching a card, the* counting board shall prepare in the following manner:

1. The pollbooks must be compared and errors corrected until the books agree.

2. The ballot box must be opened and the ballots contained therein counted by the counting board and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If, on comparison of the count with the pollbook, a majority of the inspectors are of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the counting board officers and placed in the ballot box after the count is completed.

3. If the ballots in the box are found to exceed in number the number of names on the pollbooks, the ballots must be replaced in the box, and a counting board officer, with his back turned to the box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope and returned to the county or city clerk with the other ballots rejected for any cause.

4. When it has been ascertained that the pollbook and the number of ballots agree with the number of names of registered voters shown to have voted, the board shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 36. NRS 293.367 is hereby amended to read as follows:

293.367 1. The basic factor to be considered by an election board when making a determination of whether a particular ballot must be rejected is whether any identifying mark appears on the ballot which, in the opinion of the election board, constitutes an identifying mark such that there is a

reasonable belief entertained in good faith that the ballot has been tampered with and, as a result of the tampering, the outcome of the election would be affected.

2. Regulations for counting ballots must include provisions that:

(a) A vote on a paper ballot may not be counted unless indicated by a cross in the appropriate square.

(b) An error in marking one or more votes on a ballot does not invalidate any votes properly marked on that ballot.

(c) If more choices than permitted by the instructions are marked for any office or question, the vote for that office or question may not be counted.

(d) If it is impossible to determine a voter's choice for any office or question, his vote or votes for that office or question may not be counted.

(e) A soiled or defaced ballot may not be rejected if it appears that the soiling or defacing was inadvertent and was not done purposely to identify the ballot.

(f) Only devices provided for in this chapter *or chapter 293B of NRS* may be used in marking ballots.

(g) It is unlawful for any election board officer to place any mark upon any ballot other than a spoiled ballot.

(h) When an election board officer rejects a ballot for any alleged defect or illegality, the officer shall seal the ballot in an envelope and write upon the envelope a statement that it was rejected and the reason for rejecting it. *Each election board officer shall sign the envelope.*

(i) In counties or cities where mechanical voting systems are used whereby a vote is cast by punching a card, a superfluous punch into any card does not constitute grounds for rejection of the ballot unless the election board determines that the condition of the ballot justifies its exclusion pursuant to subsection 1.

Sec. 37. NRS 293.373 is hereby amended to read as follows:

293.373 *If paper ballots or ballots which are voted by punching a card are used:*

1. After the tally lists have been completed, the counting board officers shall:

(a) File the voted ballots on a string, enclose and seal them in an envelope marked "Election returns, voted ballots."

(b) File the rejected ballots on a string, enclose and seal them in an envelope marked "Election returns, rejected ballots."

(c) Place one of the tally lists for regular ballots and one of the pollbooks in an envelope marked "Election returns" and seal the envelope.

2. The voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and unused ballots must be sealed under cover by the counting board officers and addressed to the county or city clerk.

3. The other pollbooks, tally lists and election board register must be returned to the county or city clerk.

Sec. 38. NRS 293.391 is hereby amended to read as follows:

293.391 1. The voted ballots, rejected ballots, spoiled ballots, unused ballots, tally lists, pollbooks, challenge lists , *voting receipts, records printed on paper of voted ballots collected pursuant to section 49 of this act* and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk, and preserved for at least 22 months. All sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. The pollbooks containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who may wish to examine them at any time after their deposit with the county clerk.

3. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1, except the voted ballots.

4. The voted ballots deposited with the county clerk are not subject to the inspection of anyone, except in cases of contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of such judge, body or board.

Sec. 39. NRS 293.440 is hereby amended to read as follows:

293.440 1. Any person who desires a copy of any list of the *persons who are* registered [voters] *to vote* in any precinct, district or county [and who provides an assurance that the list will be used only for purposes relating to elections,] may obtain a copy by applying at the office of the county clerk and paying therefor a sum of money equal to one cent per name on the list, except that one copy of each original and supplemental list for each precinct, district or county must be provided to the state and county central committee of any major political party, upon request, without charge.

2. [The] *Except as otherwise provided in section 8 of this act, the* copy of the list provided pursuant to this section must indicate [each voter's] *the* address, date of birth, telephone number and the serial number [of his] *on each* affidavit of registration. If the county maintains this information in a computer data base, the date of the most recent addition or revision to an entry, if made on or after July 1, 1989, must be included in the data base and on any resulting list of the information. The date must be expressed numerically in the order of month, day and year.

3. A county may not pay more than 10 cents per folio or more than $6 per thousand copies for printed lists for a precinct or district.

4. A county which has a system of computers capable of recording information on magnetic tape or diskette shall, upon request of the state or county central committee of any major political party or minor political party which has filed a certificate of existence with the secretary of state, record for that central committee on magnetic tape or diskette supplied by it:

(a) The list of *persons who are* registered [voters] *to vote* and the information required in subsection 2; and

(b) Not more than four times per year, as requested by the committee:

(1) A complete list of the *persons who are* registered [voters] *to vote* with a notation for the most recent entry of the date on which the entry or the latest change in the information was made; or

(2) A list that includes additions and revisions made to the list of *persons who are* registered [voters] *to vote* after a date specified by the central committee.

5. If a political party does not provide its own magnetic tape or diskette, or if a political party requests the list in any other form that does not require printing, the county clerk may charge a fee to cover the actual cost of providing the tape, diskette or list.

Sec. 40. NRS 293.518 is hereby amended to read as follows:

293.518 1. At the time an elector registers to vote he must indicate:

(a) His political party affiliation; or

(b) That he is not affiliated with a political party.

An elector who indicates that he is "independent" shall be deemed not affiliated with a political party.

2. If an elector indicates that he is not affiliated with a political party, *or that he is independent,* the county clerk or field registrar of voters shall list the elector's political party as nonpartisan.

3. If an elector indicates an affiliation with a major political party or a minor political party that has filed a certificate of existence with the secretary of state, the county clerk or field registrar of voters shall list the elector's political party as indicated by the elector.

4. If an elector indicates an affiliation with a minor political party that has not filed a certificate of existence with the secretary of state, the county clerk or field registrar of voters shall:

(a) List the elector's political party as the party indicated in the affidavit of registration.

(b) When compiling data related to voter registration for the county, report the elector's political party as "other party."

Sec. 41. NRS 293.557 is hereby amended to read as follows:

293.557 1. The county clerk [shall] *may* cause to be published once in each of the newspapers circulated in different parts of the county a list of all registered voters within the circulation area of each newspaper, or cause to be published once in a newspaper circulated in the county an alphabetical listing of all registered voters, including the precinct of each voter, for the entire county:

(a) Not less than 2 weeks before the close of registration for any primary election.

(b) After each primary election and not less than 2 weeks before the close of registration for the ensuing general election.

2. The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

3. [The] *If the* list of registered voters *is published, it* must not be printed in type smaller than six-point.

Sec. 42. NRS 293.730 is hereby amended to read as follows:

293.730 1. A person shall not:

(a) Remain in or outside of any polling place so as to interfere with the conduct of the election.

(b) Except an election board officer, receive from any voter a ballot prepared by the voter.

(c) Remove a ballot from any polling place before the closing of the polls.

(d) Apply for or receive a ballot at any election precinct or district other than the one at which he is entitled to vote.

(e) Show his ballot to any person, after [marking it,] *voting*, so as to reveal any of the names voted for.

(f) Inside a polling place, ask another person for whom he intends to vote.

(g) Except an election board officer, deliver a ballot to a voter.

(h) Except an election board officer in the course of his official duties, inside a polling place, ask another person his name, address or political affiliation.

2. A voter shall not:

(a) Receive a ballot from any person other than an election board officer.

(b) Deliver to an election board or to any member thereof any ballot other than the one received.

(c) Place any mark upon his ballot by which it may afterward be identified as the one voted by him.

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

Sec. 43. NRS 293.740 is hereby amended to read as follows:

293.740 1. It is unlawful inside a polling place:

(a) For any person to solicit a vote or speak to a voter on the subject of *voting or* marking his ballot.

(b) For any person, including an election board officer, to do any electioneering on election day.

2. Any person who violates any provision of this section is guilty of a gross misdemeanor.

Sec. 44. Chapter 293B of NRS is hereby amended by adding thereto the provisions set forth as sections 45 to 50, inclusive, of this act.

Sec. 45. *Each mechanical voting system must provide a record of the votes cast on that system. The record must be printed on paper.*

Sec. 46. *1. The county or city clerk shall allow members of the general public to observe the counting of the ballots at the central counting place if those members do not interfere with the counting of the ballots.*

2. The county or city clerk may photograph or record or cause to be photographed or recorded on audiotape or any other means of sound or video reproduction the counting of the ballots at the central counting place.

3. A registered voter may submit a written request to the county or city clerk for any photograph or recording of the counting of the ballots prepared

pursuant to subsection 2. The county or city clerk shall, upon receipt of the request, provide the photograph or recording to the registered voter at no charge.

Sec. 47. *1. The county clerk shall, not later than July 1 of each year in which a general election is held, submit to the secretary of state for his approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of ballots at a polling place, receiving center or central counting place.*

2. The city clerk shall, not later than January 1 of each year in which a general city election is held, submit to the secretary of state for his approval a written plan for the accommodation of members of the general public who observe the delivery, counting, handling and processing of the ballots at a polling place, receiving center or central counting place.

3. Each plan must include:

(a) The location of the central counting place and of each polling place and receiving center;

(b) A procedure for the establishment of areas within each polling place and receiving center and the central counting place from which members of the general public may observe the activities set forth in subsections 1 and 2;

(c) The requirements concerning the conduct of the members of the general public who observe the activities set forth in subsections 1 and 2; and

(d) Any other provisions relating to the accommodation of members of the general public who observe the activities set forth in subsections 1 and 2 which the county or city clerk considers appropriate.

Sec. 48. *A mechanical recording device which directly records votes electronically must:*

1. Bear a number which identifies that mechanical recording device.

2. Be equipped with a storage device which:

(a) Stores the ballots voted on the mechanical recording device;

(b) Can be removed from the mechanical recording device for the purpose of transporting the ballots stored therein to a central counting place; and

(c) Bears the same number as the mechanical recording device.

3. Be designed in such a manner that voted ballots may be stored within the mechanical recording device and the storage device required pursuant to subsection 2 at the same time.

4. Provide a record printed on paper of:

(a) Each ballot voted on the mechanical recording device; and

(b) The total number of votes recorded on the mechanical recording device for each candidate and for or against each measure.

Sec. 49. *The county or city clerk shall ensure that each mechanical recording device which directly records votes electronically provides a record printed on paper of each ballot voted on that device as required by paragraph (a) of subsection 4 of section 48 of this act not later than 10 days after the election. The county or city clerk shall collect those records and deposit them in the vaults of the county clerk pursuant to NRS 293.391.*

Sec. 50. *At each polling place where a mechanical voting system is used whereby votes are directly recorded electronically, the election board shall,*

before the polls are open for the election, ensure that each mechanical recording device will not register any ballots which were previously voted on the device as having been voted on that day.

Sec. 51. NRS 293B.033 is hereby amended to read as follows:

293B.033 "Mechanical voting system" means a system of voting whereby a voter may cast his vote:

1. On a device which mechanically or electronically compiles a total of the number of votes cast for each candidate and for or against each measure voted on; or

2. By punching a card *or marking a paper ballot* which is subsequently counted on an electronic tabulator, counting device or computer.

Sec. 52. NRS 293B.103 is hereby amended to read as follows:

293B.103 1. If a mechanical voting system is used whereby votes are cast by punching a card [, the] *:*

(a) The cards to be used must have two detachable stubs.

(b) Each of the stubs attached to a particular card must bear the number of that card.

[2.] *(c)* One of the stubs must be detached and given to the voter when he returns his voted ballot, and the other stub must be retained by the election board.

2. If a mechanical voting system is used whereby votes are directly recorded electronically:

(a) A voting receipt which has two parts must be used.

(b) Each part of the voting receipt must bear the same number for identification.

(c) One part of the voting receipt must be given to the voter when he votes and the other part of the voting receipt must be retained by the election board.

Sec. 53. NRS 293B.105 is hereby amended to read as follows:

293B.105 *1.* The board of county commissioners of any county or the city council or other governing body of any city may *purchase and* adopt for use at elections any mechanical voting system [approved] *and mechanical recording device if the system or device is:*

(a) Approved by the secretary of state [or the use of which has been specifically] *pursuant to subsection 2; or*

(b) Specifically authorized by law.

The [voting] system *or device* may be used at any or all elections held in the county or city, for voting, registering and counting votes cast.

2. A person who owns or has an interest in a mechanical voting system or mechanical recording device may submit an application to the secretary of state to have the system or device examined for approval for use during the elections of this state. The secretary of state shall approve or disapprove the use of such a system or device not later than 120 days after the application is submitted.

3. As a condition to approval, the person shall have the system or device independently examined by a person approved by the secretary of state. The examiner shall:

(a) Review and analyze any electronic or computerized features of the system or device; and

(b) Prepare a report of the results of the examination for the secretary of state which includes a statement of his opinion regarding the feasibility of using such a system or device during the elections of this state with consideration for the safe and proper operation of the system or device under the conditions prescribed by the applicable election laws.

4. Any cost for the independent examination of a system or device must be paid by the person who submits an application to have the system or device approved by the secretary of state.

5. The secretary of state shall approve a mechanical voting system or mechanical recording device for use during the elections of this state if:

(a) The report prepared pursuant to subsection 3 states that the system or device can be used safely and properly in this state; and

(b) He determines after he independently examines the system or device that it can be used safely and properly in this state.

6. Before a city or county may change or improve a system or device that has been approved by the secretary of state, it must obtain approval from the secretary of state. If any change or improvement does not comply with the requirements of this section, the secretary of state shall not approve the use or sale of any system or device that incorporates the change or improvement in this state.

7. The secretary of state may re-examine a system or device or any part thereof at any time for the purpose of approving a change or improvement or to ensure that the system or device continues to comply with the election laws of this state.

8. The secretary of state and any examiner of a system or device must not have any pecuniary interest in the system or device examined.

9. The secretary of state may establish regulations to carry out the provisions of this section.

Sec. 54. NRS 293B.110 is hereby amended to read as follows:

293B.110 A mechanical voting system may be adopted for some of the precincts or districts in the same county or city, while the remainder of the precincts or districts in that county or city may be furnished with paper ballots [.] *or any other mechanical voting system.*

Sec. 55. NRS 293B.155 is hereby amended to read as follows:

293B.155 1. The tests prescribed by NRS 293B.150 and 293B.165 must be conducted by processing a preaudited group of logic and accuracy test ballots so punched , *voted* or marked as to record a predetermined number of valid votes for each candidate and on each measure, and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment and programs to reject those votes.

2. If any error is detected, the cause therefor must be ascertained and corrected and an errorless count must be made before the automatic tabulating equipment and programs are approved.

3. When satisfied with the accuracy of the computer program, the accuracy certification board and the county or city clerk shall date and sign all reports, seal the program, the reports, and all test material in an appropriate container. The container must be kept sealed by the clerk.

4. Except as otherwise provided in this subsection, the contents of such a sealed container are not subject to the inspection of anyone except in the case of a contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of that judge, body or board. For the period set forth in NRS 293.413 during which a candidate may file a statement of contest, the results of the test must be made available in the clerk's office for public inspection.

Sec. 56. NRS 293B.160 is hereby amended to read as follows:

293B.160 [The] *If a mechanical voting system is used whereby votes are cast by punching a card, the* computer program and the program card deck used for the test prescribed by NRS 293B.150 [shall] *must* be used to count [the ballots] *those ballots which were voted by punching a card* for the election.

Sec. 57. NRS 293B.300 is hereby amended to read as follows:

293B.300 1. In a primary election, a member of the election board for a precinct shall issue each partisan voter a ballot which is of a distinctive color associated with the voter's major political party, which contains a distinctive code associated with that party and on which is clearly printed the name of the party.

2. *If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, in addition to the ballot described in subsection 1, issue each partisan voter a voting receipt which is of a distinctive color associated with the voter's major political party and on which is clearly printed the name of the party.*

3. The member of the election board shall then direct the partisan voter to a mechanical recording device containing the list of offices and candidates arranged for the voter's major political party in the manner provided in NRS 293B.190.

Sec. 58. NRS 293B.305 is hereby amended to read as follows:

293B.305 Unless a major political party allows a nonpartisan voter to vote for its candidates:

1. In a primary election, a member of the election board for a precinct shall issue each nonpartisan voter a ballot of a distinctive color, code and printed designation identifying it as a nonpartisan ballot.

2. *If a mechanical voting system is used in a primary election whereby votes are directly recorded electronically, a member of the election board shall, in addition to the ballot described in subsection 1, issue the nonpartisan voter a voting receipt of a distinctive color and printed designation identifying it as a nonpartisan ballot.*

3. The member of the election board shall then:

(a) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates setting forth only the nonpartisan ballot;

(b) Direct the nonpartisan voter to a mechanical recording device containing a list of offices and candidates arranged for a partisan ballot, instruct the voter to vote only the nonpartisan section of the list and advise the voter that any votes he may cast in the partisan section will not be counted; or

(c) Issue a nonpartisan ballot attached to a sheet of foam plastic or similar backing material, a punching instrument, a sample nonpartisan ballot and an instruction sheet to the nonpartisan voter and instruct him to punch his ballot by reference to the sample ballot.

Sec. 59. NRS 293B.325 is hereby amended to read as follows:

293B.325 The county clerk may order deputized officers to pick up all voted ballots from any or all of the precincts or districts after the polls have been opened for 5 hours. At least two such officers who are not members of the same political party shall deliver any ballots which are picked up early to the central counting place. The various boards operating the central counting place may begin to process those ballots upon receipt, but no reports may be printed by the counting device or computer until the polls have closed. *Any ballots which are picked up early must be transported to the central counting place in the manner prescribed in NRS 293B.335.*

Sec. 60. NRS 293B.330 is hereby amended to read as follows:

293B.330 *1.* Upon closing of the polls, the election board shall:

[1.] *(a)* Secure all mechanical recording devices against further voting.

[2.] *(b) If a mechanical voting system is used whereby votes are cast by punching a card:*

(1) Count the number of ballots in the ballot boxes.

[3.] *(2)* Account for all ballots on the [ballot statement.

4.] *statement of ballots.*

(3) Place all official ballots, the ballot statement and any other records, reports and materials as directed by the county or city clerk into the container provided by him to transport those items to a central counting place and seal the container.

(c) If a mechanical voting system is used whereby votes are directly recorded electronically:

(1) Ensure that each mechanical recording device:

(I) Provides a record printed on paper of the total number of votes recorded on the device for each candidate and for or against each measure; and

(II) Transfers the ballots voted on that device to the storage device required pursuant to section 48 of this act.

(2) Count the number of ballots voted at the polling place.

(3) Account for all ballots on the statement of ballots.

(4) Place all records printed on paper provided by the mechanical recording devices, all storage devices which store the ballots voted on the mechanical recording devices, and any other records, reports and materials as directed by the county or city clerk into the container provided by him to transport those items to a central counting place and seal the container.

2. *The county or city clerk shall allow members of the general public to observe the handling of the ballots pursuant to subsection 1 if those members do not interfere with the handling of the ballots.*

Sec. 61. NRS 293B.335 is hereby amended to read as follows:

293B.335 1. The chairman and at least one other member of the election board shall deliver the sealed container to a receiving center or to the central counting place, as directed by the county or city clerk. [Insofar as is] *If* practicable, the other board member must be of a different political party than the chairman.

2. The chairman shall provide for the transportation or other disposition of all other supplies and election materials as directed by the clerk.

3. Any member of the general public may observe the delivery of a sealed container to a receiving center or to the central counting place if he does not interfere with the delivery of the sealed container.

Sec. 62. NRS 293B.365 is hereby amended to read as follows:

293B.365 The central ballot inspection board shall:

1. Receive the ballots in sealed containers.

2. Inspect the containers , *record the number indicated on each container and its seal pursuant to section 5 of this act* and remove the ballots [.] *or storage devices which store the ballots voted on mechanical recording devices which directly record votes electronically.*

3. Register the numbers of ballots by precinct.

4. Deliver any damaged ballots to the ballot duplicating board [.] , *if the ballots were voted by punching a card.*

5. Receive duplicates of damaged ballots from the ballot duplicating board and place the duplicates with the voted ballots of the appropriate precinct [.] , *if the ballots were voted by punching a card.*

6. Place each damaged original ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct [.] , *if the ballot was voted by punching a card.*

7. Reject any ballot that has been marked in a way that identifies the voter.

8. Place each rejected ballot in a separate envelope and note on the outside of the envelope the appropriate number of the precinct and the reason for the board's rejection of the ballot [.], *if the ballot was voted by punching a card.*

Sec. 63. NRS 293B.375 is hereby amended to read as follows:

293B.375 [The] *If ballots which are voted by punching a card are used, the* ballot duplicating board shall:

1. Receive damaged ballots, including ballots which have been torn, bent or mutilated.

2. Receive cards with incompletely punched chips.

3. Prepare on a distinctly colored, serially numbered ballot marked "duplicate" an exact copy of each damaged ballot.

4. In the case of a card with an incompletely punched chip:

(a) Remove the incompletely punched chip; or

(b) Duplicate the card without punching the location of the incompletely punched chip, according to the county clerk's determination of the probable intent of the voter.

5. Record the serial number of the duplicate ballot on the damaged original ballot and return the damaged and duplicate ballots to the appropriate ballot inspection board.

6. Hold aside the duplicated ballots for counting after all other ballots are counted if this procedure is directed by the county clerk.

Sec. 64. NRS 293B.380 is hereby amended to read as follows:

293B.380 1. The ballot processing and packaging board must be composed of persons who are qualified in the use of the data processing equipment to be operated for the voting count.

2. The board shall:

(a) [Permit only those persons authorized by the county clerk to gain access to the] *Allow members of the general public to observe the* counting area where the computers are located during the period when ballots are being processed [.] *if those members do not interfere with the processing of the ballots.*

(b) Receive ballots and maintain groupings of them by precinct.

(c) Before each counting of the ballots (or computer run) begins, validate the testing material with the counting program.

(d) Maintain a log showing the sequence in which the ballots of each precinct are processed, as a measure to ensure that the ballots of all precincts are processed.

(e) After each counting of the ballots, again verify the testing material with the counting program to substantiate that there has been no substitution or irregularity.

(f) Record an explanation of any irregularity that occurs in the processing.

(g) If the election is:

(1) A primary election held in an even-numbered year, other than a presidential preference primary; or

(2) A general election,

ensure that a list is compiled indicating the total votes, other than absentee votes and votes in a mailing precinct, which each candidate accumulated in each precinct.

(h) Collect all returns, programs, testing materials, ballots and other items used in the election at the computer center and package and deliver the items to the county clerk for sealing and storage.

Sec. 65. NRS 306.015 is hereby amended to read as follows:

306.015 1. Before a petition to recall a public officer is circulated, the persons proposing to circulate the petition shall file a notice of intent with the filing officer with whom the public officer to be recalled filed his declaration of candidacy, acceptance of candidacy or affidavit of candidacy pursuant to NRS 293.185, 293.620 or 293.640.

2. The notice of intent:

(a) Must be signed by three registered voters who actually voted in the state or in the county, district or municipality electing the officer at the last preceding general election.

(b) Must be signed before a person authorized by law to administer oaths that the statements and signatures contained in the notice are true.

(c) Is valid until the verification of signatures is completed pursuant to NRS 293.1276 to 293.1279, inclusive.

3. The persons filing the notice of intent shall submit the petition to the county clerk pursuant to NRS 306.035 within 60 days after the date on which the notice of intent was filed. Any person who fails to file the petition as required by this subsection is guilty of a misdemeanor. Copies of the petition are not valid for any subsequent petition.

4. The county clerk shall, upon completing the verification of the signatures on the petition, file the petition with the filing officer with whom the public officer to be recalled filed his declaration of candidacy, acceptance of candidacy or affidavit of candidacy.

5. Any person who signs a petition to recall any public officer may remove his name from the petition by submitting a request in writing to the county clerk at any time before the petition is submitted for the verification of the signatures thereon pursuant to NRS 306.035.

6. A person who signs a notice of intent pursuant to subsection 1 *or a petition to recall a public officer* is immune from civil liability for conduct related to the exercise of his right to participate in the recall of a public officer.

Sec. 66. NRS 18.020 is hereby amended to read as follows:

18.020 Costs must be allowed of course to the prevailing party against any adverse party against whom judgment is rendered, in the following cases:

1. In an action for the recovery of real property or a possessory right thereto.

2. In an action to recover the possession of personal property, where the value of the property amounts to more than $2,500. The value must be determined by the jury, court or master by whom the action is tried.

3. In an action for the recovery of money or damages, where the plaintiff seeks to recover more than $2,500.

4. In a special proceeding [.] , *except a special proceeding conducted pursuant to NRS 306.040.*

5. In an action which involves the title or boundaries of real estate, or the legality of any tax, impost, assessment, toll or municipal fine, including the costs accrued in the action if originally commenced in a justice's court.

Sec. 67. NRS 539.130 is hereby amended to read as follows:

539.130 1. The secretary is ex officio district registrar of the district, and may, at least 4 weeks before any election, appoint a field registrar in each election precinct. Each field registrar shall register all electors within his precinct applying for registration, and for this purpose he has the authority to demand of the elector all information and to administer all oaths required by this chapter.

2. The registrar and field registrars are governed in the performance of their duties by the general election laws of this state as far as they are applicable, and must be at their places of registration to receive applications for registration from [9] *7* a.m. until [9] *7* p.m. on [each of three Wednesdays next] *the Wednesday immediately* preceding the [date of election.] *close of registration pursuant to NRS 539.133.*

Sec. 68. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.".

Amend the title of the bill, eighth line, after "officer;" by inserting: "providing a procedure for the use of mechanical recording devices which directly record votes electronically during the period for early voting; establishing requirements for mechanical recording devices which directly record votes electronically; making various other changes to provisions governing elections;".

Assemblyman Close moved the adoption of the amendment.

Remarks by Assemblyman Close.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 442.

Bill read third time.

Remarks by Assemblyman Nolan.

Roll call on Senate Bill No. 442:

YEAS—42.

NAYS—None.

Senate Bill No. 442 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 121.

Bill read third time.

The following amendment was proposed by the Committee on Natural Resources, Agriculture and Mining:

Amendment No. 1543.

Amend sec. 4, pages 2 and 3, by deleting lines 44 through 48 on page 2 and lines 1 through 28 on page 3 and inserting:

"1. [The first $10,000] *By an operator which is an agency, department, division or political subdivision of the state, 10 percent or $10,000, whichever is less, of the first $1,000,000* for cleaning up *each tank* and *of* the first [$10,000] *$1,000,000* of liability for damages *from each tank* to any person other than this state or the operator of the tank, or both amounts . [, by the operator.

2. The next $990,000] *The balance of the first $1,000,000 for cleaning up each tank or for damages from each tank must be paid from the fund, but the total amount paid from the fund pursuant to this subsection in any one*

fiscal year for discharges from two or more storage tanks under the control of any one operator must not exceed $1,980,000 for cleaning up and $1,980,000 for damages.

2. By an operator which is a small business, 10 percent of the first $1,000,000 for cleaning up *each tank* and *of* the [next $990,000] *first $1,000,000* of liability for damages *from each tank* to a person other than this state or the operator of the tank, or both amounts . [, from the fund.] The total *amount* paid *by an operator pursuant to this subsection must not exceed $50,000, for cleaning up and $50,000 for damages regardless of the number of storage tanks involved. The balance of the first $1,000,000 for cleaning up each tank or for damages from each tank must be paid* from the fund , *but the total amount paid from the fund pursuant to this subsection* in any one fiscal year [on account of] *for* discharges from *two or more* storage tanks under the control of any one operator must not exceed [$1,980,000] *$1,900,000* for cleaning up and [$1,980,000] *$1,900,000* for damages. For the purpose of this limitation, a group of operators more than 50 percent of whose net worth is beneficially owned by the same person or persons constitutes one operator.

3. *By all other operators:*

(a) Ten percent of the first $1,000,000 for cleaning up each tank and of the first $1,000,000 of liability for damages from each tank to a person other than this state or the operator of the tank, or both amounts.

(b) Ninety percent of the first $1,000,000 for cleaning up each tank or for damages from each tank must be paid from the fund.

The total amount paid from the fund pursuant to paragraph (b) in any one fiscal year for discharges from two or more storage tanks under the control of any one operator must not exceed $1,800,000 for cleaning up and $1,800,000 for damages. For the purpose of this limitation, a group of operators more than 50 percent of whose net worth is beneficially owned by the same person or persons constitutes one operator.".

Assemblyman Carpenter moved the adoption of the amendment.

Remarks by Assemblyman Carpenter.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 397.

Bill read third time.

The following amendment was proposed by Assemblyman Dini:

Amendment No. 1528.

Amend section 1, page 2, line 16, by deleting "blue" and inserting "[blue] *colored*".

Amend section 1, page 2, by deleting lines 39 through 42 and inserting:

"[9.] *10.* A temporary parking placard is valid only [for] *:*

(a) For the period for which a physician has certified the disability [,] *; or*

(b) Until the placard expires pursuant to subsection 11,

but in no case *for* longer than 6 months.

[10.] *11. Not later than August 1 of each even-numbered year, the department shall designate the color which must be used as the background*

for all special or temporary parking placards issued during the period beginning on January 1 of the year after the year in which the announcement is made and ending on December 31 of the second year after the year in which the designation is made. The background for each special or temporary parking placard which is issued during that period must be of the color announced by the department for that period. A special or temporary parking placard which is otherwise valid on December 31 of an odd-numbered year expires on that date.

12. A special or temporary parking placard must be displayed in the".

Amend section 1, page 3, line 1, by deleting "*12.*" and inserting "*13.*".

Amend section 1, page 3, line 4, by deleting "*13.*" and inserting "*14.*".

Amend section 1, page 3, by deleting line 9 and inserting:

"[13.] *15.* Any person who violates the provisions of subsection [12] *14* is".

Amend section 1, page 3, line 11, by deleting "*15.*" and inserting "*16.*".

Amend section 1, page 3, line 16, by deleting "*16.*" and inserting "*17.*".

Amend sec. 6, page 4, line 3, by deleting "[$100] *$300*" and inserting "$100".

Amend sec. 6, page 4, line 24, by deleting "[$100.] *$300.*" and inserting "$100.".

Amend sec. 6, page 4, line 25, by deleting "[$250.] "*$500.*" and inserting "$250.".

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

"An Act relating to motor vehicles; revising the provisions governing special license plates and special and temporary parking placards for a person with a disability which limits or impairs his ability to walk;".

Amend the summary of the bill, first line, by deleting: "spaces and special license plates".

Assemblyman Perkins moved the adoption of the amendment.

Remarks by Assemblymen Perkins, Chowning and Mr. Speaker Dini.

Assemblyman Chowning moved that Senate Bill No. 397 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Chowning.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Assembly Bill No. 743, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

BERNARD J. ANDERSON, JR., *Chairman*

Mr. Speaker:

Your Committee on Ways and Means, to which was re-referred Assembly Bill No. 617, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 92, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendments of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 27, which is attached to and hereby made a part of this report.

BERNIE ANDERSON	ERNEST E. ADLER
MICHAEL A. SCHNEIDER	MIKE MCGINNESS
JOHN C. CARPENTER	JON C. PORTER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 27.

Amend sec. 2, page 2, by deleting lines 1 through 46 and inserting:

"62.226 1. Except as otherwise provided in subsection 3 [,] *and section 1 of this act,* whenever any child is found to have committed the unlawful act of:

(a) Using, possessing, selling or distributing a controlled substance;

(b) Purchasing, consuming or possessing an alcoholic beverage in violation of NRS 202.020; or

(c) Placing graffiti on or otherwise defacing the public or private property, real or personal, of another, in violation of NRS 206.125 or section 3 of [this act,] *Assembly Bill No. 374 of this session,*

the judge, or his authorized representative, may, if the child possesses a driver's license, issue an order suspending the child's driver's license for not more than 2 years. If such an order is issued, the judge shall require the child to surrender to the court all driver's licenses then held by the child. The court shall, within 5 days after issuing the order, forward to the department of motor vehicles and public safety the licenses, together with a copy of the order.

2. If the child does not possess a driver's license and the child is or will be eligible to apply for a driver's license within the 2 years immediately following the date of the order, the judge, or his authorized representative, may issue an order prohibiting the child from applying for a driver's license for a period specified by the court but not to exceed 2 years:

(a) Immediately following the date of the order, if the child is eligible to apply for a driver's license.

(b) After the date the child will be eligible to apply for a driver's license, if the child is not eligible to apply for a license on the date of the order.

The court shall, within 5 days after issuing the order, forward to the department a copy of the order.

3. If a child is already the subject of a court order suspending or delaying the issuance of his driver's license, the court shall order the additional suspension or delay, as appropriate, to apply consecutively with the previous order.

4. The department of motor vehicles and public safety:

(a) Shall not treat such an unlawful act in the manner statutorily required for moving traffic violations.

(b) Shall report a suspension pursuant to this section to an insurance company or its agent inquiring about the child's driving record but such a suspension must not be considered for the purpose of rating or underwriting.

(c) Shall not require the child to submit to the tests and other requirements which are adopted by regulation pursuant to subsection 1 of NRS 483.495 as a condition of reinstatement or reissuance after a suspension of his license pursuant to this section unless the suspension also resulted from his poor performance as a driver.".

Amend sec. 3, page 3, by deleting lines 1 through 7 and inserting:

"62.385 1. When a child applies for a driver's license, the department of motor vehicles and public safety shall notify the child of the provisions of paragraph (h) of subsection 1 of NRS 62.211, NRS 62.226 , [and] section 2 of [this act.] *Assembly Bill No. 393 of this session and section 1 of this act.*

2. After providing the notice pursuant to subsection 1, the department shall require the child to sign an affidavit acknowledging that he is aware that his driver's license may be suspended pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.226 , [or] section 2 of *Assembly Bill No. 393 of this session or section 1 of* this act.".

Amend sec. 5, pages 4 and 5, by deleting lines 4 through 48 on page 4 and lines 1 through 10 on page 5, and inserting:

"483.460 1. Except as otherwise provided by statute, the department shall revoke the license, permit or privilege of any driver upon receiving a record of his conviction of any of the following offenses, when that conviction has become final, and the driver is not eligible for a license, permit or privilege to drive for the period indicated:

(a) For a period of 3 years if the offense is:

(1) A violation of NRS 484.3795 or subsection 2 of NRS 484.377 or homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance.

(2) A third or subsequent violation within 7 years of NRS 484.379.

(b) For a period of 1 year if the offense is:

(1) Any other manslaughter resulting from the driving of a motor vehicle or felony in the commission of which a motor vehicle is used, including the unlawful taking of a motor vehicle.

(2) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or bodily injury of another.

(3) Perjury or the making of a false affidavit or statement under oath to the department under NRS 483.010 to 483.630, inclusive, or under any other law relating to the ownership or driving of motor vehicles.

(4) Conviction, or forfeiture of bail not vacated, upon three charges of reckless driving committed within a period of 12 months.

(5) A second violation within 7 years of NRS 484.379 and the driver is not eligible for a restricted license during any of that period.

(6) A violation of NRS 484.348.

(c) For a period of 90 days, if the offense is a first violation within 7 years of NRS 484.379.

2. The department shall revoke the license, permit or privilege of a driver convicted of violating NRS 484.379 who fails to complete the educational course on the use of alcohol and controlled substances within the time ordered by the court and shall add a period of 90 days during which the driver is not eligible for a license, permit or privilege.

3. When the department is notified by a court that a person who has been convicted of violating NRS 484.379 has been permitted to enter a program of treatment pursuant to NRS 484.3794 the department shall reduce by half the period during which he is not eligible for a license, permit or privilege to drive, but shall restore that reduction in time if notified that he was not accepted for or failed to complete the treatment.

4. The department shall revoke the license, permit or privilege of a driver who is required to install a device pursuant to NRS 484.3943 but operates a motor vehicle without such a device:

(a) For 1 year if it is his first such offense during the period of required use of the device.

(b) For 5 years if it is his second such offense during the period of required use of the device.

5. When the department is notified that a court has:

(a) Pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.226 or section 2 of Assembly Bill No. 393 of this session, ordered the suspension or delay in issuance of a child's license; [or]

(b) Pursuant to section 3 of [this act,] *Assembly Bill No. 374 of this session,* ordered the suspension or delay in issuance of a person's license [,] *; or*

(c) Pursuant to section 1 of this act, ordered the revocation of a child's license,

the department shall take such actions as are necessary to carry out the court's order.".

Amend sec. 6, pages 5 and 6, by deleting lines 12 through 47 on page 5 and lines 1 through 4 on page 6 and inserting:

"483.490 1. Except as otherwise provided in subsection 2, after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484.379 and half the period during which the driver is not eligible for a license has expired, the department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. After a driver's license has been *revoked pursuant to section 1 of this act or* suspended pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.226 or section 2 of [this act,] *Assembly Bill No. 393 of this session,* the department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both; and

(b) If applicable, to and from school.

3. A driver who violates a condition of a restricted license issued under subsection 1 or by another jurisdiction is guilty of a misdemeanor, and if his license was suspended or revoked for a violation of NRS 484.379, 484.3795, 484.384 or *a* homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance, or the violation of a law of any other jurisdiction which prohibits the same conduct, he shall be punished in the manner provided by subsection 2 of NRS 483.560.

4. The periods of suspensions and revocations under this chapter and under NRS 484.384 must run consecutively, except as provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

5. Whenever the department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.".

Amend sec. 7, page 6, by deleting lines 6 through 11 and inserting:

"483.580 A person shall not cause or knowingly permit his child or ward under the age of 18 years to drive a motor vehicle upon any highway when the minor is not authorized under the provisions of NRS 483.010 to 483.630, inclusive, or is in violation of any of the provisions of NRS 483.010 to 483.630, inclusive, or if his license is *revoked or* suspended pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.226 , [or] section 2 of *Assembly Bill No. 393 of this session or section 1 of* this act.".

Amend sec. 8, page 6, by deleting lines 13 through 35 and inserting:

"484.384 1. If the result of a test given under NRS 484.382 or NRS 484.383 shows that a person had 0.10 percent or more by weight of alcohol in his blood at the time of the test, his license, permit or privilege to drive must be revoked as provided in NRS 484.385 and he is not eligible for a license, permit or privilege for a period of 90 days.

2. If *a* revocation of a person's license, permit or privilege to drive under NRS 483.460 *or section 1 of this act* follows a revocation under subsection 1 which was based on his having 0.10 percent or more by weight of alcohol in his blood, the department shall cancel the revocation under that subsection and give the person credit for any period during which he was not eligible for a license, permit or privilege.

3. Periods of ineligibility for a license, permit or privilege to drive which are imposed pursuant to this section must run consecutively.".

Amend the bill as a whole by renumbering sections 9 and 10 as sections 10 and 11 and adding a new section designated sec. 9, following sec. 8, to read as follows:

"Sec. 9. Section 6 of Senate Bill No. 582 of this session is hereby amended to read as follows:

Sec. 6. Sections 2 and 3 of Assembly Bill No. 425 of this session are hereby amended to read as follows:

Sec. 2. NRS 483.490 is hereby amended to read as follows:

483.490 1. Except as otherwise provided in [subsection 2,] *subsections 2 and 3,* after a driver's license has been suspended or revoked for an offense other than a second violation within 7 years of NRS 484.379 and half the period during which the driver is not eligible for a license has expired, the department may, unless the statute authorizing the suspension prohibits the issuance of a restricted license, issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) To and from work or in the course of his work, or both; or

(b) To acquire supplies of medicine or food or receive regularly scheduled medical care for himself or a member of his immediate family.

Before a restricted license may be issued, the applicant must submit sufficient documentary evidence to satisfy the department that a severe hardship exists because the applicant has no alternative means of transportation and that the severe hardship outweighs the risk to the public if he is issued a restricted license.

2. After a driver's license has been revoked pursuant to section 1 of [this act] *Assembly Bill No. 92 of this session* or suspended pursuant to paragraph (h) of subsection 1 of NRS 62.211, NRS 62.226 or section 2 of Assembly Bill No. 393 of this session, the department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:

(a) If applicable, to and from work or in the course of his work, or both; and

(b) If applicable, to and from school.

3. *After a driver's license has been suspended pursuant to section 1 of this act, the department may issue a restricted driver's license to an applicant permitting the applicant to drive a motor vehicle:*

(a) If applicable, to and from work or in the course of his work, or both; and

(b) To receive regularly scheduled medical care for himself or a member of his immediate family; and

(c) If applicable, as necessary to exercise a court-ordered right to visit a child.

4. A driver who violates a condition of a restricted license issued [under] *pursuant to* subsection 1 or by another jurisdiction is guilty of a misdemeanor, and if his license was suspended or

revoked for a violation of NRS 484.379, 484.3795, 484.384 or a homicide resulting from driving a vehicle while under the influence of intoxicating liquor or a controlled substance, or the violation of a law of any other jurisdiction which prohibits the same conduct, he shall be punished in the manner provided by subsection 2 of NRS 483.560.

[4.] *5.* The periods of suspensions and revocations [under] *required pursuant to* this chapter and [under] NRS 484.384 must run consecutively, except as *otherwise* provided in NRS 483.465 and 483.475, when the suspensions must run concurrently.

[5.] *6.* Whenever the department suspends or revokes a license, the period of suspension, or of ineligibility for a license after the revocation, begins upon the effective date of the revocation or suspension as contained in the notice thereof.

Sec. 3. NRS 483.495 is hereby amended to read as follows:

483.495 The department shall by regulation:

1. Except as otherwise provided in paragraph (h) of subsection 1 of NRS 62.211, subsection 4 of NRS 62.226 , [and] subsection 5 of section 2 of *Assembly Bill No. 393 of this session and section 1 of* this act, set forth any tests and other requirements which are a condition for the reinstatement of a license after any suspension, revocation, cancellation or voluntary surrender of the license. The tests and requirements:

(a) Must provide for a fair evaluation of a person's ability to operate a motor vehicle; and

(b) May allow for the waiver of certain tests or requirements as the department deems necessary.

2. Set forth the circumstances under which the administrator may, for good cause shown, rescind the revocation, suspension or cancellation of a license, or shorten the period for the suspension of a license.".

Amend sec. 10, page 6, by deleting lines 39 and 40 and inserting:

"Sec. 11. 1. This section and sections 1, 3, 4, 6, 7, 9 and 10 become effective on October 1, 1995.

2. Sections 2, 5, and 8 become effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the act, by deleting the third and fourth lines and inserting: "stance; and provid-".

Assemblyman Anderson moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 92.

Remarks by Assemblyman Anderson.

Motion carried.

Mr. Speaker:

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

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 22, which is attached to and hereby made a part of this report.

BRIAN E. SANDOVAL	MAURICE E. WASHINGTON
MICHAEL A. SCHNEIDER	ERNEST E. ADLER
DAVID E. GOLDWATER	JON C. PORTER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 22.

Amend section 1, page 1, by deleting lines 11 and 12 and inserting: "*to have in his actual physical possession any firearm. This*".

Amend section 1, page 2, between lines 2 and 3 by inserting:

"*4. A firearm is subject to forfeiture pursuant to NRS 179.1156 to 179.119, inclusive, only if, during the violation of subsection 1, the firearm is brandished, aimed or otherwise handled by the person in a manner which endangered others.*".

Amend sec. 2, page 2, by deleting lines 4 through 7 and inserting: "202.253 As used in NRS 202.255 to 202.360, inclusive [:] *, and section 1 of this act:*

1. "Firearm" means any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

2. "Firearm capable of being concealed upon the person" applies to and includes all firearms having a barrel less than 12 inches in length.

3. "Motor vehicle" means every vehicle that is self-propelled.".

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 179.1164 is hereby amended to read as follows:

179.1164 1. Except as otherwise provided in subsection 2, the following property is subject to seizure and forfeiture in a proceeding for forfeiture:

(a) Any proceeds attributable to the commission or attempted commission of any felony.

(b) Any property or proceeds otherwise subject to forfeiture pursuant to NRS 179.121, 200.760, 453.301 or 501.3857 [.] *or section 1 of this act.*

2. Property may not, to the extent of the interest of any claimant, be declared forfeited by reason of an act or omission shown to have been committed or omitted without the knowledge, consent or willful blindness of the claimant.

3. Unless the owner of real property or a mobile home:

(a) Has given the tenant notice to surrender the premises pursuant to NRS 40.254 within 90 days after the owner receives notice of a conviction pursuant to subsection 2 of NRS 453.305; or

(b) Shows the court that he had good cause not to evict the tenant summarily pursuant to NRS 40.254,

the owner of real property or a mobile home used or intended for use by a tenant to facilitate any violation of the provisions of NRS 453.011 to 453.552, inclusive, except NRS 453.336, is disputably presumed to have known of and consented to that use if the notices required by NRS 453.305

have been given in connection with another such violation relating to the property or mobile home. The holder of a lien or encumbrance on the property or mobile home is disputably presumed to have acquired his interest in the property for fair value and without knowledge or consent to such use, regardless of when the act giving rise to the forfeiture occurred.".

Amend the title of the act, second line, after "substance;" by inserting: "providing for the forfeiture of a firearm under certain circumstances;".

Assemblyman Sandoval moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 335.

Remarks by Assemblyman Sandoval.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 292.

The following Senate amendment was read:

Amendment No. 1459.

Amend section 1, page 1, by deleting lines 6 through 25 and inserting:

"*1. In determining the value of an interest in or entitlement to a pension or retirement benefit provided by the public employees' retirement system pursuant to chapter 286 of NRS, the court:*".

Amend section 1, page 2, by deleting lines 10 through 22 and inserting:

"*2. The court may, in making a disposition of a pension or retirement benefit provided by the public employees' retirement system, order that the benefit*".

Amend section 1, page 2, line 23, by deleting "*to*" and inserting "*not*".

Amend section 1, page 2, by deleting lines 44 and 45 and inserting: "*participating party to provide any other form of security which ensures the payment of the determined*".

Amend section 1, page 3, by deleting lines 1 through 6 and inserting:

"*3. If a party receives an interest in or an entitlement to a pension or retirement benefit which the party would not otherwise have an interest in or be entitled to if not for a disposition made pursuant to this section, the interest or entitlement and any related obligation to pay that interest or entitlement terminates upon the death of either party unless pursuant to:*

(a) An agreement of the parties; or

(b) An order of the court,

a party who is a participant in the public employees' retirement system provides an alternative to an unmodified service retirement allowance pursuant to NRS 286.590.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 292.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 520.

The following Senate amendment was read:

Amendment No. 1467.

Amend sec. 3, page 3, by deleting lines 1 through 9 and inserting:

"2. The complaint must contain a clear and concise statement of the facts of the case, showing the persons involved and the dates and circumstances, so far as they are known, of the alleged medical malpractice. *A screening panel may dismiss a complaint if the complaint is filed without an affidavit supporting the allegations of the complaint submitted by a medical expert.*".

Amend sec. 6, page 5, line 5, after "*action.*" by inserting: "*Notice of the action must be provided by the claimant to any statutory holder of a lien.*".

Amend sec. 7, page 6, by deleting lines 4 and 5 and inserting: "with an independent organization to conduct a study of".

Amend sec. 7, page 6, line 43, after "section." by inserting: "In conducting the study, the organization may conduct examinations of insurers and other persons pursuant to the same authority as that provided for the commissioner of insurance pursuant to NRS 679B.230.".

Amend sec. 7, page 7, line 10, after "organization." by inserting: "The organization shall not include in the study or otherwise disclose any information, statements or other data which is the work product of an attorney or is subject to the privilege provided for communications between an attorney and his client.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 520.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 552.

The following Senate amendment was read:

Amendment No. 1397.

Amend section 1, page 3, by deleting lines 5 through 14 and inserting: "number of each such person. Upon receipt of [such a] *the* request, the administrator shall make such a comparison and [provide to the manager a list of the name, address and social security number of each person who appears,] , *if it appears* from the information submitted [, to be] *that a person is* simultaneously claiming benefits under chapter 612 of NRS and under chapter 616 or 617 of NRS [.] , *the administrator shall notify the attorney general or any other appropriate law enforcement agency.* The administrator shall charge a fee to cover the actual costs of any related administrative expenses. [The manager shall use the information obtained pursuant to this subsection only to further a current investigation. The manager shall not disclose the information for any other purpose.]".

Amend the bill as a whole by deleting sec. 57 and inserting:

"Sec. 57. (Deleted by amendment.)".

Amend sec. 68, page 21, by deleting lines 21 through 23 and inserting:

"616.282 1. [The manager] *An insurer of a contractor* shall notify the state contractors' board within 10 days after the [system becomes aware that

a] contractor's coverage has lapsed. *Upon receipt of such notification, the administrator shall notify the state contractors' board of the lapse in coverage.*".

Amend sec. 68, page 21, by deleting lines 28 through 30.

Amend sec. 86, page 29, line 13, by deleting: "*elects to be*" and inserting "*is*".

Amend the bill as a whole by deleting sections 108 and 109 and inserting: "Secs. 108 and 109. (Deleted by amendment.)".

Amend sec. 186, page 66, by deleting lines 17 through 21 and inserting: "*chapter 680A of NRS; and*

(b) Is specifically qualified pursuant to paragraph (c) of subsection 1 of".

Amend the bill as a whole by adding a new section designated sec. 186.5, following sec. 186, to read as follows:

"Sec. 186.5. Section 11 of Assembly Bill No. 35 of this session is hereby amended to read as follows:

Sec. 11. NRS 333.020 is hereby amended to read as follows:

333.020 As used in this chapter, unless the context otherwise requires:

1. "Chief" means the chief of the purchasing division.

2. "Director" means the director of the department of administration.

3. "Purchasing division" means the purchasing division of the department of administration.

4. "Request for a proposal" means a statement which sets forth the requirements and specifications of a contract to be awarded by competitive selection.

5. "Using agencies" means all officers, departments, institutions, boards, commissions and other agencies in the executive department of the state government which derive their support from public money in whole or in part, whether the money is provided by the State of Nevada, received from the Federal Government or any branch, bureau or agency thereof, or derived from private or other sources, except *the Nevada rural housing authority,* local governments as defined in NRS 354.474, conservation districts, irrigation districts, the state industrial insurance system and the University and Community College System of Nevada.

6. "Volunteer fire department" means a volunteer fire department which pays premiums for industrial insurance pursuant to the provisions of chapter 616 of NRS.".

Amend the bill as a whole by deleting sections 189 through 192 and inserting:

"Secs. 189-192. (Deleted by amendment.)".

Amend sec. 197, page 68, line 3, by deleting: "44, 119, 188 to 192, inclusive," and inserting: "25 to 36, inclusive, 44, 86, 119, 127, 128, 186.5, 188,".

Amend sec. 197, page 68, line 5, after "2." by inserting: "Section 68 of this act becomes effective at 12:01 a.m. on July 1, 1995.

3.".

Amend sec. 197, page 68, by deleting lines 20 and 21.

Amend the title of the bill by deleting the fifth and sixth lines and inserting: "trative requirements applicable to executive agencies generally; providing penalties; and providing".

Assemblyman Goldwater moved that the Assembly concur in the Senate amendment to Assembly Bill No. 552.

Remarks by Assemblymen Goldwater and Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 637.

The following Senate amendment was read:

Amendment No. 1444.

Amend section 1, page 1, by deleting lines 2 and 3 and inserting: "the office of the attorney general for the purpose of".

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

"An Act relating to tobacco; making an appropriation to the office of the attorney general for the enforcement of certain provisions governing crimes related to tobacco;".

Amend the summary of the bill by deleting the first and second lines and inserting: "Summary—Makes appropriation to office of attorney general for enforcement of".

Assemblyman Monaghan moved that the Assembly concur in the Senate amendment to Assembly Bill No. 637.

Remarks by Assemblyman Monaghan.

Motion carried.

Bill ordered enrolled.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Buckley, Humke and Anderson as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 132.

Mr. Speaker appointed Assemblymen Humke, Manendo and Goldwater as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 606.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Assembly Bill No. 743 considered engrossed, declared an emergency measure under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

Assemblyman Perkins moved that Assembly Bill No. 617 be placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 322.

Bill read third time.

The following amendment was proposed by Assemblyman Price:

Amendment No. 1547.

Amend the bill as a whole by adding a new section designated sec. 37.5, following sec. 37, to read as follows:

"Sec. 37.5. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. That portion of state highway Route No. 375 which is located in Lincoln and Nye counties and abuts the Nellis Air Force Range between Hiko and Warm Springs is hereby designated as "The Extraterrestrial Alien Highway."

2. The director of the department of transportation shall:

(a) Install suitable markers reflecting this designation along the portion of state highway Route No. 375 at such points as he deems appropriate;

(b) Maintain the markers as he deems appropriate; and

(c) Accept any contributions to help pay for the costs of installing and maintaining the markers in their areas.".

Amend the title of the bill to read as follows:

"An Act relating to transportation; abolishing the requirement that certain persons whose motor vehicle registrations are suspended must furnish proof of financial responsibility before the irregistrations will be reinstated under certain circumstances; providing for the filing of certificates of financial responsibility by electronic transmission or any other means deemed appropriate by the department of motor vehicles and public safety; repealing the provisions which authorize the department to contract with a nongovernmental agency to develop and maintain the data base for verifying that the owners of motor vehicles maintain insurance on their vehicles; revising various provisions relating to insurance required for operating a motor vehicle, security required following an accident and proof of financial responsibility; designating a portion of state highway Route No. 375 as "The Extraterrestrial Alien Highway"; directing the department of transportation to erect and maintain suitable markers; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding motor vehicles and highways. (BDR 43-1468)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Assemblyman Batten moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 7:58 p.m.

ASSEMBLY IN SESSION

At 7:59 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill No. 322 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Bill No. 743.

Bill read third time.

The following amendment was proposed by the Committee on Judiciary:

Amendment No. 1546.

Amend section 1, page 1, line 19, by deleting "*resort hotel*" and inserting: "*hotel or motel*".

Amend sec. 2, page 1, line 24, by deleting "approval." and inserting: "approval and expires by limitation on March 1, 1997.".

Assemblyman Anderson moved the adoption of the amendment.

Remarks by Assemblymen Anderson and Lambert.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Assembly Bill No. 617.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1531.

Amend section 1, page 2, line 8, after "to the" by inserting: "director of the department of administration and to the".

Amend section 1, page 2, line 9, by deleting "and to" and inserting "and".

Amend section 1, page 2, by deleting lines 11 through 14.

Amend section 1, page 2, line 15, by deleting "4." and inserting "3.".

Amend the title of the bill, fourth and fifth lines, by deleting: "legislature and make recommendations to the state board of education;" and inserting: "department of administration and the legislature;".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 322.

Bill read third time.

The following amendment was proposed by Assemblyman Price:

Amendment No. 1547.

Amend the bill as a whole by adding a new section designated sec. 37.5, following sec. 37, to read as follows:

"Sec. 37.5. Chapter 408 of NRS is hereby amended by adding thereto a new section to read as follows:

1. That portion of state highway Route No. 375 which is located in Lincoln and Nye counties and abuts the Nellis Air Force Range between Hiko and Warm Springs is hereby designated as "The Extraterrestrial Alien Highway."

2. The director of the department of transportation shall:

(a) Install suitable markers reflecting this designation along the portion of state highway Route No. 375 at such points as he deems appropriate;

(b) Maintain the markers as he deems appropriate; and

(c) Accept any contributions to help pay for the costs of installing and maintaining the markers in their areas.".

Amend the title of the bill to read as follows:

"An Act relating to transportation; abolishing the requirement that certain persons whose motor vehicle registrations are suspended must furnish proof of financial responsibility before the irregistrations will be reinstated under certain circumstances; providing for the filing of certificates of financial responsibility by electronic transmission or any other means deemed appropriate by the department of motor vehicles and public safety; repealing the provisions which authorize the department to contract with a nongovernmental agency to develop and maintain the data base for verifying that the owners of motor vehicles maintain insurance on their vehicles; revising various provisions relating to insurance required for operating a motor vehicle, security required following an accident and proof of financial responsibility; designating a portion of state highway Route No. 375 as "The Extraterrestrial Alien Highway"; directing the department of transportation to erect and maintain suitable markers; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes regarding motor vehicles and highways. (BDR 43-1468)".

Assemblyman Price moved the adoption of the amendment.

Remarks by Assemblyman Price.

Amendment adopted.

The following amendment was proposed by the Committee on Transportation:

Amendment No. 1542.

Amend sec. 31, page 13, by deleting lines 20 through 23 and inserting:

"4. A person who knowingly violates the provisions of this section is guilty of a category D felony and shall be punished as provided in NRS 193.130.".

Amend sec. 32, page 14, line 9, after the period by inserting: "*For the purposes of this subsection, "justifiable cause" may include the fact that the owner did not receive the form mailed by the department pursuant to subsection 2.*".

Assemblyman Chowning moved the adoption of the amendment.

Remarks by Assemblyman Chowning.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Mr. Speaker announced that if there were no objections, the Assembly would recess until 9:15 p.m.

Assembly in recess at 8:17 p.m.

ASSEMBLY IN SESSION

At 10:55 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 204, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that for the balance of the session, all Assembly bills and Assembly joint resolutions returned from reprint be placed on the General File.

Motion carried.

Assemblyman Perkins moved that for the balance of the session, all Assembly concurrent resolutions returned from reprint be placed on the Resolution File.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 1, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 80, 116, 225, 328, 386, 467, 487, 506, 676, 691, 738, 740.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 210, 288, 498, 532, 585, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 279.

Also, I have the honor to inform your honorable body that the Senate on this day passed Senate Bill No. 582.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 581.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 133, 395, 491, 501.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 579.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Lowden, Coffin and Augustine as a first Committee on Conference concerning Senate Bill No. 85.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Porter, Washington and Lee as a first Committee on Conference concerning Senate Bill No. 171.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Augustine, Shaffer and Lowden as a first Committee on Conference concerning Senate Bill No. 344.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rawson, Jacobsen and Mathews as a first Committee on Conference concerning Senate Bill No. 526.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 335.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 458.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Senate Bill No. 87.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 581.

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

Motion carried.

Senate Bill No. 582.

Assemblyman Perkins moved that the bill be referred to the Committee on Judiciary.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 157, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 23, which is attached to and hereby made a part of this report.

JAN F. MONAGHAN	JON C. PORTER
MARK A. MANENDO	MAURICE E. WASHINGTON
MICHAEL A. SCHNEIDER	O. C. LEE
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 23.

Amend sec. 2, page 2, line 9, by deleting "*subsection 6,*" and inserting: "*subsections 6 and 7,*".

Amend sec. 2, page 2, line 22, by deleting "*subsection 6,*" and inserting: "*subsections 6 and 7,*".

Amend sec. 2, page 2, line 31, by deleting "*subsection 6,*" and inserting: "*subsections 6 and 7,*".

Amend sec. 2, page 2, line 44, by deleting "*subsection 6,*" and inserting: "*subsections 6 and 7,*".

Amend sec. 2, page 3, line 9, by deleting "*subsection 6,*" and inserting: "*subsections 6 and 7,*".

Amend sec. 2, page 3, line 19, after "*6.*" by inserting: "*If, at or before the time of the trial, the defendant establishes that:*

(a) There is a substantial and bona fide dispute regarding the facts in the affidavit or declaration; and

(b) It is in the best interests of justice that the witness who signed the affidavit or declaration be cross-examined,

the court may order the prosecution to produce the witness and may continue the trial for any time the court deems reasonably necessary to receive such testimony. The time within which a trial is required is extended by the time of the continuance.

7.".

Amend sec. 2, page 3, line 21, after "*affidavit*" by inserting "*or declaration*".

Amend sec. 2, page 3, line 22, after "*affidavit*" by inserting "*or declaration*".

Amend sec. 2, page 3, by deleting line 24 and inserting: "*affidavit or declaration.*".

Amend sec. 2, page 3, line 25, by deleting "7." and inserting "[7.] *8.*".

Amend sec. 3, page 3, line 40, after "*affidavit*" by inserting "*or declaration*".

Amend sec. 3, page 3, line 41, after "*affidavit*" by inserting "*or declaration*".

Amend sec. 3, page 3, line 42, after "*affidavit*" by inserting "*or declaration*".

Amend sec. 3, page 3, line 43, after "*affidavit*" by inserting "*or declaration*".

Assemblyman Monaghan moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 157.

Remarks by Assemblyman Monaghan.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 526, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

DIANNE STEEL	RAYMOND D. RAWSON
MAUREEN E. BROWER	LAWRENCE E. JACOBSEN
MICHAEL A. SCHNEIDER	BERNICE MATHEWS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Steel moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 526.

Remarks by Assemblyman Steel.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 606, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 28, which is attached to and hereby made a part of this report.

DAVID E. HUMKE	MARK A. JAMES
MARK A. MANENDO	ERNEST E. ADLER
DAVID E. GOLDWATER	MIKE MCGINNESS
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 28.

Amend sec. 3, page 3, line 4, by deleting: "torture, depravity of mind" and inserting "torture".

Amend sec. 9, page 4, line 20, by deleting "12:02" and inserting "12:03".

Assemblyman Humke moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 606.

Remarks by Assemblyman Humke.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 498.

The following Senate amendment was read:

Amendment No. 1234.

Amend the bill as a whole by adding new sections designated sections 3.3 and 3.6, following sec. 3, to read as follows:

"Sec. 3.3. *"Tangible net worth" means all of the assets of an association of self-insured private employers or of a member of such an association except:*

1. Accounts receivable, if they are factored or collateralized.

2. An inventory, except one held for resale and not collateralized.

3. A prepaid expense.

4. An unqualified investment.

5. An allocated bond fund.

6. An investment in an affiliate.

7. A restricted fund.

8. A reserve.

9. A security cost, such as a capitalized bond cost.

10. A cash equivalent, unless it is described in the footnotes for the balance sheet by item, and for investments, by duration and nature. A cash flow statement is not a sufficient description.

11. A contingency or commitment, including any estimated cost.

12. Any book adjustment caused by a change in an accounting policy or a restatement.

13. Goodwill or excess cost over the fair market value of assets.

14. Any other items listed in the assets that are deemed unacceptable by the commissioner because they cannot be justified or because they do not directly support the ability of the association or the member to pay a claim.

Sec. 3.6. *"Trade association" means an association of firms concerned with:*

1. A single product or service;

2. A number of closely related products or services; or

3. Contractors, manufacturers, distributors or retailers of a product or service or a number of closely related products or services,

as determined by the commissioner.".

Amend sec. 5, page 3, line 11, after "*permit*" by inserting: "*and assign a permit number*".

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

"Sec. 6.5. *1. Any advertising or written material that solicits employers to join an association of self-insured public or private employers must contain the permit number of the solicitor.*

2. A solicitor shall provide to the commissioner upon request a copy of any document relating to a solicitation which was prepared after the solicitor filed his application for a permit.".

Amend sec. 8, page 3, by deleting lines 37 through 41 and inserting:

"Sec. 8. *1. Except as otherwise provided in subsection 2, if the membership of an employer who was a member of an association of self-insured public or private employers has been terminated or canceled and the system subsequently insures that employer:*

(a) The employer shall remain insured by the system for at least 2 years before it may join an association of self-insured public or private employers.

(b) The system shall determine the amount of premium that such an employer must pay based on:

(1) The premium rate for the standard industrial classification of that employer which the system may deviate from not more than 15 percent; and

(2) An adjustment based on the experience of the employer for the 3 previous years,

in accordance with the regulations adopted pursuant to NRS 616.380.

2. A member of an association who terminates his membership in the association pursuant to subsection 3 of NRS 616.37935 may not, before July 1, 1998, obtain industrial insurance from the system.".

Amend sec. 10, page 4, by deleting lines 1 through 7 and inserting:

"616.0265 "Association of self-insured private employers" means a nonprofit, unincorporated association composed of five or more private employers that has been issued a certificate by the commissioner [indicating that the combined administrative and financial resources of the members of the association are sufficient to make certain the prompt payment of all compensation under this chapter and chapter 617 of NRS.] *and is subject to the provisions of NRS 616.3791 to 616.37997, inclusive.*".

Amend sec. 11, page 4, by deleting lines 9 through 15 and inserting:

"616.0267 "Association of self-insured public employers" means a nonprofit, unincorporated association composed of five or more public employers that has been issued a certificate by the commissioner [indicating that the combined administrative and financial resources of the members of the

association are sufficient to make certain the prompt payment of all compensation under this chapter and chapter 617 of NRS.] *and is subject to the provisions of NRS 616.3791 to 616.37997, inclusive.*".

Amend sec. 12, page 4, line 18, by inserting an open bracket before "or".

Amend sec. 12, page 4, line 19, by inserting a closed bracket after "employers".

Amend sec. 12, page 4, line 24, after "2." by inserting: "*A group of five or more employers may not act as an association of self-insured private employers unless each member of the group:*

(a) Is a member or associate member of a bona fide trade association, as determined by the commissioner, which:

(1) Is incorporated in this state; and

(2) Has been in existence for at least 5 years; and

(b) Has been issued a certificate to act as such an association by the commissioner.

3.".

Amend sec. 12, page 4, line 26, by deleting "3." and inserting "[3.] *4.*".

Amend sec. 12, page 4, line 38, by deleting "4." and inserting "[4.] *5.*".

Amend sec. 12, page 5, by deleting lines 4 and 5 and inserting:

"(g) A *pro forma* financial statement [, on a form acceptable to the commissioner,] *prepared by an independent certified public accountant in accordance with generally accepted accounting principles*".

Amend sec. 12, page 5, by deleting lines 8 and 9 and inserting:

"(h) *A reviewed financial statement prepared by an independent certified public accountant for each proposed member of the association or*".

Amend sec. 12, page 5, between lines 16 and 17, by inserting:

"*6. Any financial information relating to a member of an association received by the commissioner pursuant to the provisions of this section is confidential and must not be disclosed.*

7. For the purposes of this section, "associate member of a bona fide trade association" means a supplier whose business, as determined by the commissioner:

(a) Is limited to a specific industry;

(b) Primarily involves providing a product or service that is directly used or consumed by substantially all of the members of the trade association or bears a direct relationship to the business of the members of the association.".

Amend sec. 13, page 5, line 43, by deleting the open bracket.

Amend sec. 13, page 5, by deleting lines 44 through 47 and inserting: "$250,000 [. Each year thereafter, the association shall collect an assessment in an aggregate amount of at least $500,000] or in an aggregate amount [the commissioner determines is sufficient to fund its obligation, whichever is larger.] *which the commissioner determines is satisfactory based on an annual review conducted by him of the actuarial solvency of the association.*".

Amend sec. 13, page 6, by deleting lines 16 and 17 and inserting: "private employers shall maintain a combined *tangible* net worth of all".

Amend the bill as a whole by adding a new section designated sec. 13.5, following sec. 13, to read as follows:

"Sec. 13.5. NRS 616.37917 is hereby amended to read as follows:

616.37917 1. The commissioner shall grant or deny an application for certification as an association of self-insured public or private employers within 60 days after receiving the application. If the *application is materially incomplete or does not comply with the applicable provisions of the law, the commissioner shall notify the applicant of the additional information or changes required. Under such circumstances, if the* commissioner is unable to act upon the application within this 60-day period, he may extend the period for granting or denying the application, but for not longer than an additional 90 days.

2. Upon determining that an association is qualified as an association of self-insured public or private employers, the commissioner shall issue a certificate to that effect to the association and the administrator. No certificate may be issued to an association that, within the 2 years immediately preceding its application, has had its certification as an association of self-insured public or private employers involuntarily withdrawn by the commissioner.

3. A certificate issued [under] *pursuant to* this section remains in effect until withdrawn by the commissioner or canceled at the request of the association. Coverage for an association granted a certificate becomes effective on the date of certification or the date specified in the certificate.

4. The commissioner shall not grant a request to cancel a certificate unless the association has insured or reinsured all incurred obligations with an insurer authorized to do business in this state pursuant to an agreement filed with and approved by the commissioner. The agreement must include coverage for actual claims and claims filed with the association but not reported, and the expenses associated with those claims.".

Amend sec. 16, page 8, by deleting line 27 and inserting:

"3. [A] *Each member who is a member of an association during the 12 months immediately following the formation of the association must:*

(a) Have a tangible net worth of at least $500,000; or

(b) Have had a reported payroll for the previous 12 months which would have resulted in a manual premium calculated according to the regulations adopted pursuant to NRS 616.380 of at least $15,000. Any employer who seeks to become a member of the association subsequently must meet the requirement set forth in paragraph (a) or (b) unless the commissioner adjusts the requirement for membership in the association after conducting an annual review of the actuarial solvency of the association pursuant to subsection 1 of NRS 616.37915.

4. Except as otherwise provided in section 8 of this act, a member of an association may terminate his membership at any time.".

Amend sec. 16, page 8, line 33, by deleting "4." and inserting "[4.] *5.*".

Amend sec. 16, page 8, line 35, by deleting "5." and inserting "[5.] *6.*".

Amend sec. 16, page 9, line 3, by deleting "6." and inserting "[6.] *7.*".

Amend sec. 16, page 9, line 7, by deleting "*7.*" and inserting "*8.*".

Amend the bill as a whole by adding a new section designated sec. 16.5, following sec. 16, to read as follows:

"Sec. 16.5. NRS 616.37947 is hereby amended to read as follows:

616.37947 1. An association of self-insured public employers may merge with another association of self-insured public employers if:

(a) The resulting association assumes in full all obligations of the merging associations; and

(b) The merger is approved by the commissioner.

2. An association of self-insured private employers may merge with another association of self-insured private employers if:

(a) The members of the merging associations are engaged in the same or similar [classifications of employment;] *trade;*

(b) The resulting association assumes in full all obligations of the merging associations; and

(c) The merger is approved by the commissioner.

3. The commissioner shall conduct a hearing on the proposed merger if any member of the merging associations so requests. The commissioner may on his own motion conduct such a hearing."

Amend the bill as a whole by deleting sec. 19 and inserting:

"Sec. 19. (Deleted by amendment.)".

Amend sec. 22, page 10, line 34, by deleting "This" and inserting: "1. This".

Amend sec. 22, page 10, after line 34 by inserting:

"2. Section 13.5 of this act becomes effective at 12:02 a.m. on July 1, 1995.".

Amend the title of the bill to read as follows:

"An Act relating to industrial insurance; providing that a person who forms or proposes to form or finance an association of self-insured employers must obtain a permit; providing that a surety for an association hold a certificate of authority; revising the provisions relating to membership in an association; requiring an association to provide certain additional financial information with its application; providing that any financial information relating to a member which is submitted to the commissioner with the application is confidential; limiting the ability of an employer to rejoin an association or the state industrial insurance system under certain circumstances; requiring an association to employ an association's administrator and a third-party administrator; requiring a member of an association to provide notification of withdrawal; providing additional time in certain circumstances before the withdrawal of a certificate of an association; providing that a member of an association remains liable for any obligations incurred or responsibilities imposed under a former name or form of organization; repealing provisions relating to service companies; and providing other matters properly relating thereto.".

Assemblyman Krenzer moved that the Assembly concur in the Senate amendment to Assembly Bill No. 498.

Remarks by Assemblymen Krenzer, Bache and Ernaut.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 532.

The following Senate amendment was read:

Amendment No. 1509.

Amend the bill as a whole by deleting sections 1 through 17 and adding new sections designated sections 1 through 12, following the enacting clause, to read as follows:

"Section 1. Chapter 342 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 8, inclusive, of this act.

Sec. 2. *As used in sections 2 to 8, inclusive, of this act, unless the context otherwise requires:*

1. "Acquisition" means the acquisition of real property by a governmental body by purchase or eminent domain.

2. "Business" means a business which is licensed in accordance with law.

3. "Displacement" means the actual vacating of real property by a natural person or business because of an acquisition by a governmental body.

4. "Governmental body" means any political subdivision of this state, any department, agency or instrumentality of a political subdivision, and any other entity which is authorized to exercise the power of eminent domain.

Sec. 3. *Before displacing a natural person or a business as a result of an acquisition, a governmental body shall develop a process by which natural persons or businesses who will be displaced from their dwellings or business establishments as a result of the acquisition, and who are otherwise eligible for services and benefits provided by the governmental body pursuant to sections 2 to 8, inclusive, of this act, may claim eligibility for those services and benefits. The process must include, without limitation, claim forms and a schedule setting forth the time when those forms and any required attachments must be submitted to the governmental body and the time when the governmental body will distribute any monetary compensation or provide other services.*

Sec. 4. *A governmental body shall provide the following administrative services for persons whose dwellings or business establishments are situated on property proposed for acquisition by the governmental body:*

1. Written materials and public meetings, where applicable, which will provide information on the proposed acquisition of the property and the services and benefits that will be available to the persons who will be displaced.

2. Information and assistance regarding the time and manner in which the persons may claim eligibility for such services and benefits.

3. Ninety days' written notice of the proposed displacement. This notice must contain information on the procedure for obtaining the services and benefits provided pursuant to sections 2 to 8, inclusive, of this act, to which a person is otherwise eligible.

Sec. 5. *Before undertaking a project that will result in the displacement of a natural person or a business, each governmental body shall adopt policies pursuant to sections 2 to 8, inclusive, of this act to provide relocation assistance and make relocation payments to each person displaced from his dwelling or business establishment as a result of the acquisition of property in a manner substantially similar to and in amounts equal to or greater than those which are provided for in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655, and the regulations adopted pursuant thereto.*

Sec. 6. *1. In addition to the relocation benefits provided pursuant to section 5 of this act, each person who is displaced from his business establishment as a result of the acquisition of property by an agency created pursuant to chapter 279 of NRS or by any person or entity acting on behalf of, in cooperation with or under contract with such an agency, and whose lease of the premises on which the establishment is situated is terminated as a consequence of the acquisition, must be paid:*

(a) The actual, reasonable and necessary costs of alterations and other physical changes that are required to be made to a new location to render it suitable for the operation of the business;

(b) The actual, reasonable and necessary costs of modifications made to machinery, equipment and other personal property moved to the new location which were necessary for the operation of the business, except that such costs must not exceed the acquisition cost of the machinery, equipment and other personal property less accumulated depreciation;

(c) The prorated fees for any licenses, permits or certifications that must be obtained for the business to operate in the new location;

(d) The actual, reasonable and necessary fees for professional services incurred in connection with the acquisition of a replacement site, including the services of architects, appraisers, attorneys, engineers, realtors and other consultants; and

(e) A sum equal to:

(1) An amount which, when added to the amount that the tenant formerly paid in rent, will enable him to rent or lease a comparable business location on the current market for a term equal to the period that would have remained on his lease if it had not been terminated as a result of the acquisition of the property or 3 years, whichever is greater; or

(2) The fair market value of the business as determined in accordance with subsection 5 of NRS 37.009 if the business owner is unable to relocate his business establishment to a comparable new location because of the operation of a governmental ordinance, regulation or restriction or because a comparable business location is not available.

2. The provisions of this section do not apply to month-to-month tenancies.

3. The provisions of this section do not apply to a business which executes an initial lease within 1 year before the approval of a development agreement or other similar action of a governmental body identifying the property that will be acquired, unless the business is renewing a lease on a site that it has occupied for more than 1 year before the identification of the property that will be acquired.

4. A governmental body may adopt ordinances or regulations or take any other appropriate action which allows a business to be relocated to a comparable business location.

5. As used in this section, "comparable business location" means a location that is decent, safe and sanitary, adequate in size for the needs of the displaced business, functionally equivalent for the purposes of the displaced business and located in an area not subject to unreasonably adverse environmental conditions.

6. Nothing contained in this section requires a governmental body to relocate a business to a location in a redevelopment area or an area similar to a redevelopment area, or to provide the benefits that a location in a redevelopment area would provide.

Sec. 7. *1. All payments of benefits pursuant to sections 2 to 8, inclusive, of this act must be made within 90 days after notice of displacement is given by a governmental body. If a person entitled to such benefits informs the governmental body that a payment is needed immediately to pay a third party, such as a new landlord, utility company or escrow company, the governmental body shall make any authorized payment directly to the third party upon request.*

2. Each governmental body subject to the provisions of sections 2 to 8, inclusive, of this act shall establish an administrative appeal process for handling grievances arising pursuant to those sections. The process must include, at a minimum, notice and an opportunity to be heard.

Sec. 8. *1. Notwithstanding the provisions of any other statute to the contrary, the provisions of sections 2 to 7, inclusive, of this act apply to all acquisitions of real property by a governmental body by purchase or eminent domain unless the person who is being displaced owns and occupies the real property and willingly agrees to the purchase price offered by the governmental body.*

2. Notwithstanding the provisions of sections 2 to 7, inclusive, of this act, a governmental body may, if appropriate under the circumstances, pay to a displaced person an amount of benefits that exceeds the amounts set forth in sections 2 to 7, inclusive, of this act. The governmental body has sole discretion to decide whether benefits will be paid in an amount that exceeds the amounts set forth in sections 2 to 7, inclusive, of this act, and its decision on that matter is final.

3. The regulations adopted pursuant to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. §§ 4601-4655, govern the interpretation of any word or phrase not specifically defined in sections 2 and 6 of this act.

Sec. 9. NRS 463.1605 is hereby amended to read as follows:

463.1605 1. [The] *Except as otherwise provided in subsection 3, the* commission shall not approve a nonrestricted license, other than for the operation of a race book or sports pool at an establishment which holds a nonrestricted license to operate both gaming devices and a gambling game, for an establishment in a county whose population is 100,000 or more unless the establishment is a resort hotel.

2. A county, city or town may require resort hotels to meet standards in addition to those required by this chapter as a condition of issuance of a gaming license by the county, city or town.

3. The commission may approve a nonrestricted license for an establishment which is not a resort hotel at a new location if the establishment was acquired or displaced pursuant to a redevelopment project undertaken by an agency created pursuant to NRS 279.382 to 279.685, inclusive.

Sec. 10. 1. The provisions of subsection 1 of NRS 354.599 do not apply to any additional expenses of a local government which are related to the provisions of this act.

2. A local government may obtain reimbursement from a private entity to cover all or any part of the expenses incurred by the local government in carrying out the provisions of sections 2 to 8, inclusive, of this act.

Sec. 11. The provisions of section 6 of this act do not apply to any business that executed a lease after January 1, 1992, for a site in a pedestrian mall that was created pursuant to NRS 268.810 to 268.823, inclusive, unless the business previously occupied that site under a lease for more than 1 year which was executed before January 1, 1992.

Sec. 12. This act becomes effective upon passage and approval.".

Amend the title of the bill to read as follows:

"An Act relating to governmental acquisitions of real property; providing for payments by governmental bodies to persons displaced from their dwellings or business establishments as a result of such acquisitions; authorizing the Nevada gaming commission to approve a nonrestricted gaming license for an establishment which is not a resort hotel at a new location if the establishment is acquired or displaced pursuant to a redevelopment project; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Provides for governmental payments to persons displaced by governmental acquisitions of real property. (BDR 28-1223)".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 532.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 132, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

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

BARBARA E. BUCKLEY	DINA TITUS
DAVID E. HUMKE	MAURICE E. WASHINGTON
BERNARD J. ANDERSON, JR.	JON C. PORTER
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 29.

Amend section 1, page 1, by deleting lines 4 through 7 and inserting:

"(a) *"Access device" means any card, plate, account number or other means of*".

Amend section 1, page 1, line 11, by deleting "(b)" and inserting "*(b)*".

Amend section 1, page 1, by deleting line 13 and inserting:

"[(b)] *(c)* "Authorization to purchase" means a document issued by the United States Department of Agriculture or by a state agency which permits the holder to purchase coupons or otherwise receive benefits under the Act.

[(c)] *(d)* "Coupon" means a food stamp , *coupon, certificate or access device*". Amend section 1, page 1, line 15, by deleting "Any" and inserting "A".

Amend section 1, pages 1 and 2, by deleting line 24 on page 1 and lines 1 through 4 on page 2 and inserting: "more, for a category E felony as provided in NRS 193.130. In addition to any other penalty, the court shall order the person to pay restitution.

3. A district attorney or the attorney general may commence proceed-".

Amend sec. 2, page 2, line 22, after "effective" by inserting "at 12:01 a.m.".

Assemblyman Buckley moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 132.

Remarks by Assemblyman Buckley.

Motion carried.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 585.

The following Senate amendment was read:

Amendment No. 1421.

Amend sec. 10, page 7, by deleting lines 9 through 14 and inserting:

"178.571 1. In a case involving:

(a) A violation of NRS 200.366, 200.368 or 200.373, a battery with intent to commit a sexual assault pursuant to NRS 200.400, *a violation of any provision of NRS 200.5091 to 200.5099, inclusive,* a violation of NRS 201.180, 201.210, 201.220 or 201.230 or an attempt or a conspiracy to commit any of these offenses; or

(b) An offense in which a minor is the prosecuting witness,

the prosecuting witness may designate an attendant who must be allowed to attend the preliminary hearing and the trial during the [witness'] *witness's* testimony to provide support. The attendant may be designated by a party as a witness and, except as otherwise provided in this section, must not be

excluded from the proceedings. If a party designates the attendant as a witness, the attendant must be examined and cross-examined before any other witness testifies.".

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

"Sec. 11. Section 10 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 585.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 210.

The following Senate amendment was read:

Amendment No. 1423.

Amend sec. 4, page 4, line 22, by deleting "November" and inserting "[November] *October*".

Amend sec. 5, page 5, line 14, by deleting "under" and inserting "pursuant to".

Amend sec. 5, page 5, line 16, by deleting "under" and inserting "pursuant to".

Amend sec. 5, page 5, line 18, by deleting "under" and inserting "pursuant to".

Amend sec. 5, page 5, line 19, by deleting "biennium ," and inserting "biennium,".

Amend sec. 5, page 5, by deleting lines 27 through 29 and inserting: "proposed appropriations from the state general fund for the operation of all departments, institutions and agencies of the state government and authorized expenditures from the state general fund for the regulation of gaming for that fiscal year.".

Amend the bill as a whole by adding a new section designated sec. 10.5, following sec. 10, to read as follows:

"Sec. 10.5. NRS 218.687 is hereby amended to read as follows:

218.687 *1.* Upon the request of a fiscal analyst or his duly authorized representative, every elective state officer in the State of Nevada, every board or commission provided for by the laws of the State of Nevada, every head of each and every department in the State of Nevada, *every officer of the judicial branch of the state government,* and every employee or agent thereof, acting by, for, or on account of any such office, board, commission or officer receiving, paying or otherwise controlling any public funds in the State of Nevada, in whole or in part, whether the [same may be] funds *are* provided by the State of Nevada, [funds] received from the Federal Government of the United States or any branch, bureau, or agency thereof, or [funds] received from private or other [source,] *sources,* shall make available [to the requester] *, provide or prepare* all books, papers, information

and records [of a public nature] under their control necessary or convenient to the proper discharge of the duties of the fiscal analysis division [under] *pursuant to* this chapter.

2. Any such officer, board, commission, department or employee who receives a request pursuant to subsection 1 shall make available, provide or prepare any information requested by the fiscal analysis division within the period specified in the request.

3. Notwithstanding the provisions of any other specific statute, the information requested by the fiscal analysis division may include information considered confidential for other purposes.".

Assemblyman Marvel moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 210.

Remarks by Assemblyman Marvel.

Motion carried.

Bill ordered transmitted to the Senate

Assembly Bill No. 288.

The following Senate amendment was read:

Amendment No. 1464.

Amend the bill as a whole by renumbering section 1 as sec. 3 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. Chapter 213 of NRS is hereby amended by adding thereto a new section to read as follows:

The department of motor vehicles and public safety in conjunction with the department of prisons shall establish a program of orientation for new members of the board that will familiarize the new members with the operation, policies and procedures of the respective departments that are relevant to the activities of the board and the relationship between the departments and the board. Upon appointment, a new member of the board shall attend the program of orientation.

Sec. 2. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.160, inclusive, [and] section 5 of *Senate Bill No. 61 of this session and section 1 of* this act, unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.
2. "Chief" means the chief parole and probation officer.
3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.
4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.
5. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief parole and probation officer.".

Amend section 1, page 1, line 11, by deleting: "*prisons or parole;*" and inserting: "*correctional or rehabilitative facilities and programs and not less than 3 years of experience working in one or several of these fields;*".

Amend section 1, page 1, line 12, by deleting "*Ten*" and inserting "*Six*".

Amend the bill as a whole by deleting sec. 2 and renumbering sections 3 through 8 as sections 4 through 9.

Amend sec. 7, page 5, line 30, by deleting: "*prisons or parole*" and inserting: "*correctional or rehabilitative facilities and programs*".

Amend sec. 7, page 5, line 31, by deleting "*6*" and inserting "*3*".

Amend sec. 7, page 5, line 32, by deleting "*Ten*" and inserting "*Six*".

Amend the bill as a whole by renumbering sections 9 through 11 as sections 11 through 13 and adding a new section designated sec. 10, following sec. 8, to read as follows:

"Sec. 10. Section 11 of Senate Bill No. 192 of this session is hereby amended to read as follows:

Sec. 11. NRS 213.107 is hereby amended to read as follows:

213.107 As used in NRS 213.107 to 213.160, inclusive, section 5 of Senate Bill No. 61 of this session , [and] section 1 of *Assembly Bill No. 288 of this session and sections 7 to 10, inclusive, of* this act, unless the context otherwise requires:

1. "Board" means the state board of parole commissioners.

2. "Chief" means the chief parole and probation officer.

3. "Division" means the division of parole and probation of the department of motor vehicles and public safety.

4. "Residential confinement" means the confinement of a person convicted of a crime to his place of residence under the terms and conditions established by the board.

5. *"Sex offender" means any person who has been or is convicted of a sexual offense.*

6. "Sexual offense" means:

(a) A violation of NRS 200.366, subsection 3 of NRS 200.400, NRS 200.710, 200.720, subsection 2 of NRS 200.730, NRS 201.180, paragraph (a) or subparagraph (2) of paragraph (b) of subsection 1 of NRS 201.195, NRS 201.230 or 201.450;

(b) An attempt to commit any offense listed in paragraph (a); or

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

7. "Standards" means the objective standards for granting or revoking parole or probation which are adopted by the board or the chief . [parole and probation officer.]".

Amend sec. 11, page 6, by deleting lines 36 through 38 and inserting:

"Sec. 13. This act becomes effective on July 1, 1995.".

Assemblyman Anderson moved that the Assembly concur in the Senate amendment to Assembly Bill No. 288.

Remarks by Assemblyman Anderson.

Motion carried.

Bill ordered enrolled.

GENERAL FILE AND THIRD READING

Senate Bill No. 560.
Bill read third time.
Remarks by Assemblyman Freeman.
Roll call on Senate Bill No. 560:

YEAS—42.
NAYS—None.

Senate Bill No. 560 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 148.
Bill read third time.
Remarks by Assemblyman de Braga.
Roll call on Assembly Bill No. 148:

YEAS—42.
NAYS—None.

Assembly Bill No. 148 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 175.
Bill read third time.
Remarks by Assemblyman Giunchigliani.
Roll call on Assembly Bill No. 175:

YEAS—30.
NAYS—Allard, Bennett, Braunlin, Brower, Carpenter, Ernaut, Harrington, Marvel, Nolan, Steel, Stroth, Mr. Speaker Hettrick—12.

Assembly Bill No. 175 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

Assembly Bill No. 331.
Bill read third time.
Remarks by Assemblyman Spitler.
Roll call on Assembly Bill No. 331:

YEAS—42.
NAYS—None.

Assembly Bill No. 331 having received a constitutional majority, Mr. Speaker declared it passed, as amended.
Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Assembly Bill No. 739 be taken from its position on the General File and placed at the bottom of the General File.
Motion carried.

Assemblyman Perkins moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bills Nos. 218, 492 declared emergency measures under the Constitution and placed on third reading and final passage.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 341.

Bill read third time.

Remarks by Assemblymen Harrington, Buckley, Bache, Anderson and Giunchigliani.

Roll call on Senate Bill No. 341:

YEAS—30.

NAYS—Anderson, Bache, Buckley, de Braga, Evans, Freeman, Giunchigliani, Goldwater, Perkins, Schneider, Spitler, Williams—12.

Senate Bill No. 341 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 218.

Bill read third time.

Remarks by Assemblyman Arberry.

Roll call on Senate Bill No. 218:

YEAS—42.

NAYS—None.

Senate Bill No. 218 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 492.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Senate Bill No. 492:

YEAS—38.

NAYS—Bennett, Monaghan, Tiffany—3.

Not voting—Harrington.

Senate Bill No. 492 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:45 p.m.

ASSEMBLY IN SESSION

At 12:33 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Perkins moved that Senate Bill 204; Assembly Bill No. 739 be taken from the General File and placed on the General File for the next legislative day.

Motion carried.

UNFINISHED BUSINESS

SIGNING OF BILLS AND RESOLUTIONS

There being no objections, the Speakers and Chief Clerk signed Assembly Bills Nos. 61, 459, 475, 545, 592, 594, 672, 728; Assembly Concurrent Resolutions Nos. 42, 51, 52; Senate Bills Nos. 70, 243, 246, 300, 389, 403, 463, 505, 506, 517, 531, 536, 541, 565; Senate Concurrent Resolutions Nos. 32, 60.

GUESTS EXTENDED PRIVILEGE OF ASSEMBLY FLOOR

On request of Assemblyman Segerblom, the privilege of the floor of the Assembly Chamber for this day was extended to Melissa Kern and Tanya Medrano.

Assemblyman Perkins moved that the Assembly adjourn until Sunday, July 2, 1995 at 11 a.m.

Motion carried.

Assembly adjourned at 12:34 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-EIGHTH DAY

CARSON CITY (Sunday), July 2, 1995

Assembly called to order at 11:19 a.m.

Speaker Hettrick presiding.

Roll called.

All present.

Prayer by the Chaplain, The Reverend Al Tilstra.

O Lord, at this moment the members of this council ask again for Your help and guidance. This has been a very busy weekend, so make this a sacred moment, when men and women are aware of their need of God. A moment when answers come and guidance is given.

In the midst of great activity, today, we ask You to remind us often of Your invisible presence. That out of confused issues may come simplicity of plan; out of fear may come confidence; out of hurry may come the willingness to wait; out of frustration, rest and power.

This we ask in Your name. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary, to which was referred Senate Bill No. 582, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

DAVID HUMKE, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 1, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 47 and requests a conference, and appointed Senators O'Donnell, Porter and Shaffer as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Donnell, Shaffer and O'Connell as a first Committee on Conference concerning Assembly Bill No. 525.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 92.

Also, I have the honor to inform your honorable body that the Senate on this day adopted Assembly Concurrent Resolution No. 53.

Also, I have the honor to inform your honorable body that the Senate on this day adopted, as amended, Assembly Concurrent Resolutions Nos. 33, 38, 49, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 210.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 352, 489.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 157.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 526.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, July 2, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 212, 363, 404, 499, 703.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 144, 224, 228, 428, 538, 736, and respectfully requests your honorable body to concur in said amendments.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 171, consisting of the undersigned members, has met, and reports that:

No decision was reached, and recommends the appointment of a second Committee on Conference, to consist of three members, for the further consideration of the measure.

JOHN C. CARPENTER	JON C. PORTER
BERNARD J. ANDERSON, JR.	MAURICE E. WASHINGTON
GENIE OHRENSCHALL	O. C. LEE
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Carpenter moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 171.

Remarks by Assemblyman Carpenter.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Steel, Buckley and Sandoval as a second Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 171.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 344, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 26, which is attached to and hereby made a part of this report.

SANDRA J. TIFFANY	KATHY AUGUSTINE
CHRIS GIUNCHIGLIANI	RAYMOND C. SHAFFER
MAUREEN E. BROWER	SUE LOWDEN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 26.

Amend sec. 3, page 2, by deleting lines 47 and 48 and inserting: "[or part-time] practice within this state must submit satisfactory proof to the board that he has attended at least [one 2-day educational seminar of at least] 12".

Amend sec. 3, page 3, line 1, after "hours" by inserting: "*of continuing education which is*".

Amend sec. 3, page 3, line 6, by inserting an open bracket before "attending".

Amend sec. 3, page 3, line 7, by deleting "seminar" and inserting: "seminar] *completing the requirements for continuing education*".

Assemblyman Tiffany moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 344.

Remarks by Assemblyman Tiffany.

Motion carried.

Assemblyman Dini moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 11:26 a.m.

ASSEMBLY IN SESSION

At 11:32 a.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 538 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 538.

Bill read third time.

The following amendment was proposed by Assemblyman Buckley:

Amendment No. 1556.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 685A.190 is hereby amended to read as follows:

685A.190 1. [Every] *A* broker who fails to make and file the annual statement [as required under] *required pursuant to* NRS 685A.170 before April 1 after the due date of the statement, is liable for a penalty of $25 for each day of delinquency, beginning with April 1, but not to exceed in the aggregate $500.

2. [Every] *Except as otherwise provided in this subsection, a* broker who fails to pay the tax required by NRS 685A.180 before April 1 after the date upon which the tax is due is liable *:*

(a) If the aggregate amount of the tax owed by the broker is more than $50, for a penalty in the first year of delinquency in the amount of [$500 or the amount,] *$1,000 or 125 percent* of the delinquent tax, whichever is larger [.] *; or*

(b) If the aggregate amount of the tax owed by the broker is $50 or less, for a penalty in the first year of delinquency in an amount equal to the amount of the delinquent tax.

3. If the broker fails to pay the tax and penalty within 1 year after they are due, the broker is liable for a separate penalty for each subsequent year of delinquency equal to the sum of all unpaid taxes and penalties for each previous year.

[3.] *4. Interest must be charged on all penalties imposed pursuant to subsection 2 in an amount equal to the prime rate at the largest bank in the State of Nevada, as ascertained by the commissioner of financial institutions on January 1 of the year in which the tax became due and must be adjusted on July 1 and January 1 thereafter. The interest charged must be compounded monthly and must continue to accrue until the penalty and interest are paid in full.*

5. The tax may be collected by distraint, or the tax and [fine] *penalty* may be recovered by an action instituted by the commissioner, in the name of the state, the attorney general representing him, in any court of competent jurisdiction. The [fine,] *penalty,* when so collected, must be paid to the state treasurer for credit to the state general fund.

[4.] *6.* No proceeding to recover taxes, penalties or fines pursuant to this section may be maintained unless it is commenced by the giving of notice to the person against whom the proceeding is brought within 5 years after the occurrence of the charged act or omission. This limitation does not apply if the commissioner finds fraudulent or willful evasion of taxes.".

Amend the bill as a whole by renumbering sec. 27 as sec. 30, and adding new sections designated sections 27 through 29, following sec. 26, to read as follows:

"Sec. 27. NRS 695C.210 is hereby amended to read as follows:

695C.210 1. Every health maintenance organization shall file with the commissioner on or before March 1 of each year a report showing its financial condition on the last day of the preceding calendar year. The report must be verified by at least two principal officers of the organization. The organization shall file a copy of the report with the state board of health.

2. The report must be on forms prescribed by the commissioner and must include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) Any material changes in the information submitted pursuant to NRS 695C.070;

(c) The number of persons enrolled during the year, the number of enrollees as of the end of the year, the number of enrollments terminated during the year and, if requested by the commissioner, a compilation of the reasons for such terminations;

(d) The number and amount of malpractice claims initiated against the health maintenance organization and any of the providers used by it during the year broken down into claims with and without form of legal process, and the disposition, if any, of each such claim, if requested by the commissioner;

(e) A summary of information compiled pursuant to paragraph (c) of subsection 2 of NRS 695C.080 in such form as required by the state board of health; and

(f) Such other information relating to the performance of the health maintenance organization as is necessary to enable the commissioner to carry out his duties pursuant to this chapter.

3. Every health maintenance organization shall file with the commissioner annually an audited financial statement of the organization prepared by an independent certified public accountant. The statement must cover the preceding 12-month period and must be filed with the commissioner within [90] *120* days after the end of the organization's fiscal year. Upon written request, the commissioner may grant a 30-day extension.

4. If an organization fails to file timely the report or financial statement required by this section, it shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The attorney general shall recover the penalty in the name of the State of Nevada.

5. The commissioner may grant a reasonable extension of time for filing the report or financial statement required by this section, if the request for an extension is submitted in writing and shows good cause.

Sec. 28. NRS 695D.260 is hereby amended to read as follows:

695D.260 1. Every organization for dental care shall file with the commissioner on or before March 1 of each year a report covering its activities for the preceding calendar year. The report must be verified by at least two officers of the organization.

2. The report must be on a form prescribed by the commissioner and must include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year.

(b) Any material changes in the information given in the previous report.

(c) The number of members enrolled in that year, the number of members whose coverage has been terminated in that year and the total number of members at the end of the year.

(d) The costs of all goods, services and dental care provided that year.

(e) Any other information relating to the plan for dental care requested by the commissioner.

3. Every organization for dental care shall file with the commissioner annually an audited financial statement prepared by an independent certified public accountant. The statement must cover the most recent fiscal year of the organization and must be filed with the commissioner within [90] *120* days after the end of that fiscal year.

4. If an organization fails to file timely the report or financial statement required by this section, it shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The attorney general shall recover the penalty in the name of the State of Nevada.

5. The commissioner may grant a reasonable extension of time for filing the report or financial statement required by this section, if the request for an extension is submitted in writing and shows good cause.

6. The organization shall pay the department of taxation the annual tax, any penalty for nonpayment or delinquent payment of the tax imposed in chapter 680B of NRS, and a filing fee of $25 to the commissioner, at the time the annual report is filed.

Sec. 29. NRS 695F.320 is hereby amended to read as follows:

695F.320 1. Each prepaid limited health service organization shall file with the commissioner annually, on or before March 1, a report showing its financial condition on the last day of the preceding calendar year. The report must be verified by at least two principal officers of the organization.

2. The report must be on a form prescribed by the commissioner and include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) The number of subscribers at the beginning and the end of the year and the number of enrollments terminated during the year; and

(c) Such other information as the commissioner may prescribe.

3. Each prepaid limited health service organization shall file with the commissioner annually an audited financial statement prepared by an independent certified public accountant. The statement must cover the most recent fiscal year of the organization and must be filed with the commissioner within [90] *120* days after the end of that fiscal year.

4. The commissioner may require more frequent reports containing such information as is necessary to enable him to carry out his duties pursuant to this chapter.

5. The commissioner may:

(a) Assess a fine of not more than $100 per day for each day the report or financial statement required pursuant to this section is not filed after the report or financial statement is due, but the fine must not exceed $3,000; and

(b) Suspend the organization's certificate of authority until the organization files the report.''.

Amend the bill as a whole by adding new sections designated sections 31 and 32 and the text of the repealed section, following sec. 27, to read as follows:

"Sec. 31. Section 35 of Assembly Bill No. 475 of this session is hereby repealed.

Sec. 32. Sections 1, 27, 28, 29 and 31 of this act become effective at 12:01 a.m. on October 1, 1995.

TEXT OF REPEALED SECTION

Section 35 of Assembly Bill No. 475 of this session:

Sec. 35. NRS 686A.470 is hereby amended to read as follows:

686A.470 Return of unearned premium.

1. When an insurance policy is canceled pursuant to NRS 686A.460, the insurer shall return the unearned premium to the company for credit to the account of the insured. The premium must be mailed to the company:

(a) Within 45 days after receipt of the notice of cancellation; or

(b) Immediately following an audit performed to determine the amount of the premium. If such an audit is performed, it must be completed within 60 days after receipt of the notice of cancellation.

2. If the returned portion of the premium exceeds the insured's obligation to the company, the company shall pay the excess to the insured within 30 days after receipt, except that no refund is required if the excess is less than $1.

3. If the returned portion of the premium is less than the insured's obligation to the company, the company shall notify the insured within 15 days making a demand for payment, except that the company shall not make a demand for payment if the obligation is less than $1.

4. The company shall notify the agent who submitted the agreement of any refund paid directly to the insured pursuant to subsection 2 at the time the refund is paid. Within 15 days after receipt of this notice, the agent shall refund to the insured any unearned commissions which are owed to the insured as a result of the cancellation.

5. The company shall notify the agent who submitted the agreement of any deficiency. Within [30] *15* days after receipt of the notice, the agent shall refund to the insured any unearned commissions which are owed to the insured as a result of the cancellation.".

Amend the title of the bill to read as follows:

"An Act relating to insurance; revising provisions governing the payment by brokers of taxes and penalties; establishing requirements regarding the marketing, coverage and renewal of certain contracts of health insurance for small employers; authorizing the formation of voluntary groups to purchase certain contracts of health insurance; extending the time by which certain insurers must file certain financial information with the commissioner of insurance; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes to provisions governing insurance. (BDR 57-1065)".

Assemblyman Buckley moved that Senate Bill No. 538 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Buckley.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Dini moved that Senate Bill No. 397 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

Assemblyman Price moved that Senate Bill No. 322 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

Senate Bill No. 322.

Bill read third time.

Assemblyman Humke moved that Assembly Bill No. 743 be taken from the General File and re-referred to the Committee on Judiciary.

Remarks by Assemblyman Humke.

Motion carried.

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Williams, Nolan and Segerblom as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 525.

Mr. Speaker appointed Assemblymen Bache, Lambert and Harrington as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 47.

GENERAL FILE AND THIRD READING

Senate Bill No. 322.

Bill read third time.

Assemblyman Price moved that the vote whereby Amendment No. 1547 to Senate Bill No. 322 was adopted be rescinded.

Remarks by Assemblyman Price.

Motion carried.

Assembly Bill No. 739.

Bill read third time.

Assemblyman Ernaut moved that Assembly Bill No. 739 be re-referred to the Committee on Ways and Means.

Motion carried.

Senate Bill No. 101.

Bill read third time.

Remarks by Assemblymen de Braga and Freeman.

Roll call on Senate Bill No. 101:

YEAS—41.

NAYS—None.

Absent—Fettic.

Senate Bill No. 101 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 204 be taken from its position on the General File and placed at the bottom of the General File.

Remarks by Assemblyman Ernaut.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 569.

Bill read third time.

Remarks by Assemblyman Lambert.

Roll call on Senate Bill No. 569:

YEAS—41.

NAYS—None.

Absent—Fettic.

Senate Bill No. 569 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Assembly Bill No. 617.

Bill read third time.

Remarks by Assemblymen Giunchigliani and Arberry.

Roll call on Assembly Bill No. 617:

YEAS—41.

NAYS—None.

Absent—Fettic.

Assembly Bill No. 617 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 121.

Bill read third time.

Remarks by Assemblymen Carpenter, Lambert and Bennett.

Roll call on Senate Bill No. 121:

YEAS—38.

NAYS—Harrington, Monaghan, Steel—3.

Absent—Fettic.

Senate Bill No. 121 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 546.

Bill read third time.

Remarks by Assemblymen Price, Dini, Monaghan, Giunchigliani, Lambert, Harrington, Carpenter, Neighbors, Manendo and Stroth.

Assemblyman Ernaut moved that Senate Bill No. 546 be taken from the General File and placed on the Chief Clerk's desk.

Remarks by Assemblyman Ernaut.

Motion carried.

Senate Bill No. 582.

Bill read third time.

Remarks by Assemblyman Humke.

Roll call on Senate Bill No. 582:

YEAS—41.

NAYS—None.

Absent—Fettic.

Senate Bill No. 582 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 397.

Bill read third time.

The following amendment was proposed by Assemblyman Dini:

Amendment No. 1555.

Amend sec. 6, page 4, line 3, by deleting "[$100] *$300*" and inserting "$100".

Amend sec. 6, page 4, line 24, by deleting "[$100.] *$300.*" and inserting "$100.".

Amend sec. 6, page 4, line 25, by deleting "[$250.] "*$500.*" and inserting "$250.".

Assemblyman Dini moved the adoption of the amendment.

Remarks by Assemblyman Dini.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that the record reflect Assemblyman Fettic excused due to the death of his Mother.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 144.

The following Senate amendment was read:

Amendment No. 1473.

Amend the bill as a whole by renumbering sec. 3 as sec. 4 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. NRS 287.025 is hereby amended to read as follows:

287.025 The governing body of any county, school district, municipal corporation, political subdivision, public corporation or other public agency of the State of Nevada may, in addition to the other powers granted in NRS 287.010 and 287.020 [, negotiate] *:*

1. Negotiate and contract with any other such agency or with the committee on benefits for the state's group insurance plan to secure group insurance for its officers and employees and their dependents by participation in any group insurance plan established or to be established or in the state's group insurance plan [.] *; and*

2. To secure group health insurance or related medical services for its officers and employees and their dependents, excluding industrial insurance, participate as a member of a nonprofit cooperative association or nonprofit corporation established in this state solely to purchase such insurance or medical services for its members from an insurer licensed pursuant to the provisions of Title 57 of NRS.".

Amend the title of the bill, seventh line, by deleting "force;" and inserting: "force allowing certain public agencies to participate as a member of a nonprofit cooperative association or nonprofit corporation for the purchase of certain forms of health insurance or related medical services;".

Assemblyman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 144.

Remarks by Assemblyman Lambert.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 428.

The following Senate amendment was read:

Amendment No. 1269.

Amend the bill as a whole by renumbering sections 1 through 31 as sections 5 through 35 and adding new sections designated sections 1 through 4, following the enacting clause, to read as follows:

"Section 1. NRS 379.021 is hereby amended to read as follows:

379.021 1. Whenever in any county a petition or petitions praying for the formation of a county library district and the establishment of a public library therein setting forth the boundaries of the proposed library district, certified by the district judge of any judicial district as being signed by 10 percent of the taxpayers or by taxpayers representing 10 percent of the taxable property in the proposed county library district, as shown by the last preceding assessment roll of the county, is presented to the board of county commissioners of the county in which the territory of the proposed county library district is situated, accompanied by an affidavit or affidavits of one or more of the signers thereof that the signatures thereto are genuine, the board of county commissioners shall, at its next regular meeting after the petition or petitions are so presented:

(a) Pass a resolution to the effect that a county library district with properly defined boundaries is to be established and cause to be published a notice thereof in a newspaper of general circulation within the district once a week for a period of 2 weeks; and

(b) Allow 30 days after the first publication of the notice during which all taxpayers of the district in which the district library is to be situated have the right to file protests with the county clerk.

2. If the aggregate of protests is less than 10 percent of the taxpayers voting in the last general election, the board of county commissioners shall order the creation of the county library district and the establishment of a public library therein and levy taxes in support and continued maintenance of the library in accordance with subsection 5.

3. If the aggregate of protests is more than 10 percent of the taxpayers voting in the last general election, the board of county commissioners shall proceed no further with reference to the establishment of a county library district without submitting the question to the voters at a primary or general election.

4. If the majority of votes cast at the election is against the establishment of the county library district, the question is lost and the board of county commissioners shall proceed no further. If the majority of votes is in favor of the county library district, the board of county commissioners shall, within 10 days after the election, order the creation of the county library district and establishment of a public library therein.

5. Upon the creation of a county library district and establishment of a public library therein, the board of county commissioners shall, at the next time for levying taxes and in each year thereafter, at the time and in the manner other taxes are levied, levy a tax upon all taxable property in the county library district to create and maintain a fund known as the library fund.

6. All money received by the county treasurer pursuant to subsection 5 and NRS 379.026 may be transferred to a separate account established and administered by the trustees of a district library in accordance with the provisions of NRS 354.603.

Sec. 2. NRS 379.025 is hereby amended to read as follows:

379.025 1. Except as otherwise provided in subsection 2, the trustees of any consolidated, county, district, town or other public library, and their successors, shall:

(a) Establish, supervise and maintain a library.

(b) Appoint, evaluate the performance of and, if necessary, dismiss a librarian or, in the case of a consolidated library district, an executive director.

(c) Hold and possess the property and effects of the library in trust for the public.

(d) In the case of a county library, submit annual budgets to the board of county commissioners, containing detailed estimates of the amount of money necessary for the operation and management of the library for the next succeeding year.

(e) In the case of a consolidated, district or town library, prepare annual budgets in accordance with NRS 354.470 to 354.626, inclusive.

(f) In the case of a consolidated library district:

(1) Administer any separate account established pursuant to NRS 354.603.

(2) Annually submit a budget to the board of county commissioners and governing body of the city for joint review and recommendation, which must contain detailed priorities and estimates of the amount of money necessary for the operation and management of the consolidated library district for the next succeeding year. Unless a majority of the members of the board of county commissioners and a majority of the members of the governing body of the city reject the budget within 21 days after it is submitted to them, the trustees shall cause copies of the final budget to be submitted to the board of county commissioners for attachment to the copy of the final budget for the county which is filed pursuant to NRS 354.59801, and to the governing body of the city for attachment to the copy of the final budget for the city which is filed pursuant to NRS 354.59801. If the budget is so rejected, the trustees shall resubmit a revised budget for joint review pursuant to this subparagraph.

(3) Submit quarterly reports to the board of county commissioners and governing body of the city concerning the budget and the programs of the library, and provide any additional information requested by either governing body as soon as is reasonably practicable after receiving the request.

(g) *In the case of a district library, administer any separate account established pursuant to NRS 354.603.*

(h) Establish bylaws and regulations for the management of the library and their own management.

[(h)] *(i)* Manage all the property, real and personal, of the library.

[(i)] *(j)* Acquire and hold real and personal property, by gift, purchase or bequest, for the library.

[(j)] *(k)* Administer any trust declared or created for the library.

[(k)] *(l)* Maintain or defend any action in reference to the property or affairs of the library.

2. The trustees may:

(a) Make purchases and secure rooms.

(b) Authorize the merger or, subject to the limitations in NRS 379.0221, the consolidation of a town or city library with a county library district.

(c) Invest the money in the appropriate library fund in accordance with the provisions of chapter 355 of NRS.

(d) Do all acts necessary for the orderly and efficient management and control of the library.

3. The trustees shall, as a primary goal of the consolidated library district, provide the library facilities, resources and trained staff to meet the informational needs of all residents of the district.

Sec. 3. Chapter 266 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A city council shall not enter into a lease of real property owned by the city for a term of 3 years or longer or enter into a contract for the sale or exchange of real property until after the property has been appraised by one disinterested appraiser employed by the city. Except as otherwise provided in

this section and paragraph (a) of subsection 1 of NRS 268.050, a lease, sale or exchange must be made at or above the current appraised value of the real property as determined by the appraiser unless the city council, in a public hearing held before the adoption of the resolution to lease, sell or exchange the property, determines by affirmative vote of not fewer than two-thirds of the entire city council based upon specified findings of fact that a lesser value would be in the best interest of the public. For the purposes of this subsection, an appraisal is not considered current if it is more than 3 years old.

2. The city council may sell, lease or exchange real property for less than its appraised value to any person who maintains or intends to maintain a business within the boundaries of the city which is eligible pursuant to section 1 of Senate Bill No. 520 of this session for an abatement from the sales and use taxes imposed pursuant to chapter 374 of NRS.

Sec. 4. NRS 354.603 is hereby amended to read as follows:

354.603 1. The board of trustees of any county school district, the board of hospital trustees of any county hospital or the board of trustees of any consolidated library district *or district library* may establish and administer separate accounts in any bank whose deposits are insured by the Federal Deposit Insurance Corporation or in any savings and loan association whose deposits if made by the state, a local government or an agency of either are insured by the Federal Deposit Insurance Corporation, or the legal successor of the Federal Deposit Insurance Corporation, for money deposited by the county treasurer which is by law to be administered and expended by those boards. The county treasurer shall transfer the money to such a separate account when the following conditions are met:

(a) The board of trustees of the county school district, the board of hospital trustees of the county hospital or the board of trustees of the consolidated library district *or district library* adopts a resolution declaring an intention to establish and administer a separate account in accordance with the provisions of this section.

(b) The board of trustees of the county school district, the board of hospital trustees of the county hospital or the board of trustees of the consolidated library district *or district library* sends a certificate to the county treasurer, the county auditor, the board of county commissioners and, in the case of the board of trustees of the county school district, to the department of education, attested by the secretary of the board, declaring the intention of the board to establish and administer a separate account in accordance with the provisions of this section.

(c) The board of hospital trustees of the county hospital or the board of trustees of the consolidated library district *or district library* submits monthly reports, listing all transactions involving the separate account, to the county treasurer, the county auditor and the board of county commissioners. The reports must be certified by the secretary of the board. In addition, the board shall give a full account and record of all money in such an account upon request of the board of county commissioners.

2. The separate account of the board of trustees of the county school district established under the provisions of this section must be composed of:

(a) The county school district fund; and

(b) The county school district building and sites fund.

3. The separate account established by the board of county hospital trustees is designated the county hospital fund.

4. The separate account of the board of trustees of the consolidated library district *or district library* established under the provisions of this section must be composed of:

(a) The fund for the consolidated library [;] *or district library, as appropriate;* and

(b) The fund for capital projects of the consolidated library [.] *or district library, as appropriate.*

5. No expenditures from an account may be made in excess of the balance of the account.

6. Such an account must support all expenditures properly related to the purpose of the fund, excluding direct payments of principal and interest on general obligation bonds, and including, but not limited to, debt service, capital projects, capital outlay and operating expenses.

7. The board of county commissioners, if it determines that there is clear evidence of misuse or mismanagement of money in any separate account, may order the closing of the account and the return of the money to the county treasury to be administered in accordance with existing provisions of law. The board of trustees of the county school district, the board of hospital trustees of the county hospital or the board of trustees of the consolidated library district *or district library* is entitled to a hearing before the board of county commissioners.".

Amend sec. 13, page 7, line 14, by deleting "*tion 7,*" and inserting: "*tions 7 and 8,*".

Amend sec. 13, page 7, line 40, after "8." by inserting: "*The city council may sell, lease or exchange real property for less than its appraised value to any person who maintains or intends to maintain a business within the boundaries of the city which is eligible pursuant to section 1 of Senate Bill No. 520 of this session for an abatement from the sales and use taxes imposed pursuant to chapter 374 of NRS.*

9.".

Amend sec. 13, page 8, line 21, by deleting "9." and inserting: "[9.] *10.*".

Amend the title of the bill to read as follows:

"An Act relating to local governments; authorizing a board of trustees of a district library to establish and administer a separate bank account for certain money; prohibiting the city council of certain incorporated cities from entering into contracts for the lease, sale or exchange of real property for less than the appraised value of that property in certain circumstances; making the charter of the City of Henderson gender neutral; removing duplicative grants of authority to the city council of the City of Henderson where that authority is also granted by county ordinance or state law;

revising various provisions of the charter of the City of Henderson to conform to existing state law; and providing other matters properly relating thereto.''.

Amend the summary of the bill to read as follows:

''Summary—Makes various changes concerning provisions governing local governments. (BDR 33-748)''.

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 428.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 736.

The following Senate amendment was read:

Amendment No. 1522.

Amend section 1, page 4, line 46, by deleting ''63,195'' and inserting ''65,195''.

Amend section 1, page 4, line 47, by deleting ''58,240'' and inserting ''60,240''.

Amend section 1, page 5, line 5, by deleting ''63,407'' and inserting ''66,407''.

Amend section 1, page 5, line 6, by deleting ''60,997'' and inserting ''62,997''.

Amend section 1, page 5, line 16, by deleting ''36,691'' and inserting ''38,691''.

Assemblyman Marvel moved that the Assembly concur in the Senate amendment to Assembly Bill No. 736.

Remarks by Assemblyman Marvel.

Motion carried.

Bill ordered enrolled.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 12:25 p.m.

ASSEMBLY IN SESSION

At 12:39 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 224.

The following Senate amendment was read:

Amendment No. 1461.

Amend the bill as a whole by renumbering sections 1 and 2 as sections 8 and 9 and adding new sections designated sections 1 through 7, following the enacting clause, to read as follows:

"Section 1. Chapter 354 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The statement required by paragraph (c) of subsection 4 of NRS 354.624 must indicate for each fund set forth in that paragraph:

(a) Whether the fund is being used in accordance with the provisions of this chapter.

(b) Whether the fund is being administered in accordance with generally accepted accounting procedures.

(c) Whether the reserve in the fund is limited to an amount that is reasonable and necessary to carry out the purposes of the fund.

(d) The sources of revenues available for the fund during the fiscal year, including transfers from any other funds.

(e) The statutory and regulatory requirements applicable to the fund.

(f) The balance and retained earnings of the fund.

2. To the extent that the reserve in any fund set forth in paragraph (c) of subsection 4 of NRS 354.624 exceeds the amount that is reasonable and necessary to carry out the purposes for which the fund was created, the reserve may be expended by the local government pursuant to the provisions of chapter 288 of NRS.

Sec. 2. NRS 354.476 is hereby amended to read as follows:

354.476 As used in NRS 354.470 to 354.626, inclusive, *and section 1 of this act,* unless the context otherwise requires, the words and terms defined in NRS 354.478 to 354.580, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 354.6215 is hereby amended to read as follows:

354.6215 [If] *Except as otherwise provided in section 1 of this act, if* a local government provides a fund for self-insurance of property, for any form of insurance for the benefit of its employees, or for any other risk that it is permitted by law to assume, the reserves or balance of a fund thus provided must not be expended for any purpose other than that for which the fund was established, except that when the governing body deems the reserve or balance to be no longer required, either in whole or in part, it shall transfer the excess balance to the general fund of the local government. Any such transfer must be reported to the department of taxation within 30 days. Money so transferred is not available as a basis for augmentation of the local government's budget during the year of transfer.

Sec. 4. NRS 354.624 is hereby amended to read as follows:

354.624 1. Each local government shall provide for an annual audit of all of its:

(a) Funds;

(b) Account groups; and

(c) Separate accounts established pursuant to NRS 354.603.

A local government may provide for more frequent audits as it deems necessary. Except as provided in subsection 2, each annual audit must be

concluded and the report of the audit submitted to the governing body as provided in subsection 5 not later than 5 months after the close of the fiscal year for which the audit is conducted. An extension of this time may be granted by the department of taxation to any local government which makes application for an extension. If the local government fails to provide for an audit in accordance with the provisions of this section, the department of taxation shall cause the audit to be made at the expense of the local government. All audits must be made by a public accountant certified or registered or by a partnership or professional corporation registered under the provisions of chapter 628 of NRS.

2. The annual audit of a school district must be concluded and the report submitted to the board of trustees as provided in subsection 5 not later than 4 months after the close of the fiscal year for which the audit is conducted.

3. The governing body may, without requiring competitive bids, designate the auditor or firm annually. The auditor or firm must be designated not later than 3 months before the close of the fiscal year for which the audit is to be made.

4. Each annual audit must cover the business of the local government during the full fiscal year. It must be a financial audit conducted in accordance with generally accepted auditing standards, including comment on compliance with statutes and regulations, recommendations for improvements and any other comments deemed pertinent by the auditor, including his expression of opinion on the financial statements. The form of the financial statements must be prescribed by the department of taxation, and the chart of accounts must be as nearly as possible the same as that used in the preparation and publication of the annual budget. The report of the audit must include:

(a) A schedule of all fees imposed by the local government which were subject to the provisions of NRS 354.5989; and

(b) A comparison of operations of the local government with the approved budget and a statement from the auditor that previously noted deficiencies in operations and previously made recommendations for improvements contained in previous reports have been acted upon by adoption as recommended, adoption with modifications or rejection.

(c) A statement from the auditor indicating whether each of the following funds established by the local government is being used expressly for the purposes for which it was created, in the form required by section 1 of this act:

(1) An enterprise fund.

(2) An internal service fund.

(3) A trust and agency fund.

(4) A self-insurance fund.

(5) A fund whose balance is required by law to be:

(I) Used only for a specific purpose other than the payment of compensation to a bargaining unit, as defined in NRS 288.028; or

(II) Carried forward to the succeeding fiscal year in any designated amount.

5. The recommendations and the summary of the narrative comments contained in the report of the audit must be read in full at a meeting of the governing body held not more than 30 days after the report is submitted to it. Immediately thereafter, the entire report, together with any related letter to the governing body required by generally accepted auditing standards or by regulations adopted pursuant to NRS 354.594, must be filed as a public record with:

(a) The clerk or secretary of the governing body;

(b) The county clerk;

(c) The department of taxation; and

(d) In the case of a school district, the department of education.

6. The governing body shall act upon the recommendations of the report of the audit within 6 months after receipt of the report, unless prompter action is required concerning violations of law or regulation, by setting forth in its minutes its intention to adopt the recommendations, to adopt them with modifications or to reject them for reasons shown in the minutes.

Sec. 5. NRS 288.200 is hereby amended to read as follows:

288.200 Except in cases to which NRS 288.205 and 288.215, or NRS 288.217 apply:

1. If:

(a) The parties have participated in mediation and by August 1, have not reached agreement; or

(b) The bargaining unit represented by the employee organization contains fewer than 30 persons,

either party to the dispute, at any time up to September 20, may submit the dispute to an impartial factfinder for his findings and recommendations. His findings and recommendations are not binding on the parties except as provided in subsections 5, 6 and 9. The mediator of a dispute may also be chosen by the parties to serve as the factfinder.

2. If the parties are unable to agree on an impartial factfinder within 5 days, either party may request from the American Arbitration Association or the Federal Mediation and Conciliation Service a list of seven potential factfinders. If the parties are unable to agree upon which arbitration service should be used, the Federal Mediation and Conciliation Service must be used. The parties shall select their factfinder from this list by alternately striking one name until the name of only one factfinder remains, who will be the factfinder to hear the dispute in question. The employee organization shall strike the first name.

3. The local government employer and employee organization each shall pay one-half of the cost of factfinding. Each party shall pay its own costs of preparation and presentation of its case in factfinding.

4. A schedule of dates and times for the hearing must be established before October 20 and the factfinder shall report his findings and recommendations to the parties to the dispute within 30 days after the conclusion of the factfinding hearing.

5. The parties to the dispute may agree, before the submission of the dispute to factfinding, to make the findings and recommendations on all or any specified issues final and binding on the parties.

6. If the parties do not agree on whether to make the findings and recommendations of the factfinder final and binding, either party may request the formation of a panel to determine whether the findings and recommendations of a factfinder on all or any specified issues in a particular dispute which are within the scope of subsection 9 are to be final and binding. The determination must be made upon the concurrence of at least two members of the panel and not later than October 20 unless that date is extended by the commissioner of the board. Each panel shall, when making its determination, consider whether the parties have bargained in good faith and whether it believes the parties can resolve any remaining issues. Any panel may also consider the actions taken by the parties in response to any previous factfinding between these parties, the best interests of the state and all its citizens, the potential fiscal effect both within and outside the political subdivision, and any danger to the safety of the people of the state or a political subdivision.

7. Except as *otherwise* provided in subsection 8, any factfinder, whether his recommendations are to be binding or not, shall base his recommendations or award on the following criteria:

(a) A preliminary determination must be made as to the financial ability of the local government employer based on all existing available revenues as established by the local government employer [,] and *within the limitations set forth in section 1 of this act,* with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision.

(b) Once the factfinder has determined in accordance with paragraph (a) that there is a current financial ability to grant monetary benefits, he shall use normal criteria for interest disputes regarding the terms and provisions to be included in an agreement in assessing the reasonableness of the position of each party as to each issue in dispute and he shall consider whether the board found that either party had bargained in bad faith.

The factfinder's report must contain the facts upon which he based his determination of financial ability to grant monetary benefits and his recommendations or award.

8. Any sum of money which is maintained in a fund whose balance is required by law to be:

(a) Used only for a specific purpose other than the payment of compensation to the bargaining unit affected; or

(b) Carried forward to the succeeding fiscal year in any designated amount, to the extent of that amount,

must not be counted in determining the financial ability of a local government employer and must not be used to pay any monetary benefits recommended or awarded by the factfinder.

9. The issues which may be included in a panel's order pursuant to subsection 6 are:

(a) Those enumerated in subsection 2 of NRS 288.150 as the subjects of mandatory bargaining, unless precluded for that year by an existing collective bargaining agreement between the parties; and

(b) Those which an existing collective bargaining agreement between the parties makes subject to negotiation in that year.

This subsection does not preclude the voluntary submission of other issues by the parties pursuant to subsection 5.

Sec. 6. NRS 288.215 is hereby amended to read as follows:

288.215 1. As used in this section:

(a) "Firemen" means those persons who are salaried employees of a fire prevention or suppression unit organized by a political subdivision of the state and whose principal duties are controlling and extinguishing fires.

(b) "Police officers" means those persons who are salaried employees of a police department or other law enforcement agency organized by a political subdivision of the state and whose principal duties are to enforce the law.

2. The provisions of this section apply only to firemen and police officers and their local government employers.

3. If the parties have not agreed to make the findings and recommendations of the factfinder final and binding upon all issues, and do not otherwise resolve their dispute, they shall, within 10 days after the factfinder's report is submitted, submit the issues remaining in dispute to an arbitrator who must be selected in the manner provided in NRS 288.200 and have the same powers provided for factfinders in NRS 288.210.

4. The arbitrator shall, within 10 days after he is selected, and after 7 days' written notice is given to the parties, hold a hearing [for the purpose of receiving] *to receive* information concerning the dispute. The hearings must be held in the county in which the local government employer is located and the arbitrator shall arrange for a full and complete record of the hearings.

5. At the hearing, or at any subsequent time to which the hearing may be adjourned, information may be presented by:

(a) The parties to the dispute; or

(b) Any interested person.

6. The parties to the dispute shall each pay one- half of the costs incurred by the arbitrator.

7. *A determination of the financial ability of a local government employer must be based on all existing available revenues as established by the local government employer and within the limitations set forth in section 1 of this act, with due regard for the obligation of the local government employer to provide facilities and services guaranteeing the health, welfare and safety of the people residing within the political subdivision.*

8. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are

begun, the arbitrator may adjourn the hearings for a period of 3 weeks. An agreement by the parties is final and binding, and upon notification to the arbitrator, the arbitration terminates.

[8.] *9.* If the parties do not enter into negotiations or do not agree within 30 days, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.

[9.] *10.* The arbitrator shall, within 10 days after the final offers are submitted, accept one of the written statements, on the basis of the criteria provided in NRS 288.200, and shall report his decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract.

[10.] *11.* The decision of the arbitrator must include a statement:

(a) Giving his reason for accepting the final offer that is the basis of his award; and

(b) Specifying his estimate of the total cost of the award.

Sec. 7. NRS 288.217 is hereby amended to read as follows:

288.217 1. The provisions of this section govern negotiations between school districts and employee organizations representing teachers and educational support personnel.

2. If the parties to a negotiation pursuant to this section have failed to reach an agreement after at least four sessions of negotiation, either party may declare the negotiations to be at an impasse and, after 5 days' written notice is given to the other party, submit the issues remaining in dispute to an arbitrator. The arbitrator must be selected in the manner provided in subsection 2 of NRS 288.200 and has the powers provided for factfinders in NRS 288.210.

3. The arbitrator shall, within 30 days after he is selected, and after 7 days' written notice is given to the parties, hold a hearing [for the purpose of receiving] *to receive* information concerning the dispute. The hearing must be held in the county in which the school district is located and the arbitrator shall arrange for a full and complete record of the hearing.

4. The parties to the dispute shall each pay one-half of the costs of the arbitration.

5. *A determination of the financial ability of a school district must be based on all existing available revenues as established by the school district and within the limitations set forth in section 1 of this act, with due regard for the obligation of the school district to provide an education to the children residing within the district.*

6. At the recommendation of the arbitrator, the parties may, before the submission of a final offer, enter into negotiations. If the negotiations are begun, the arbitrator may adjourn the hearing for a period of 3 weeks. If an agreement is reached, it must be submitted to the arbitrator, who shall certify it as final and binding.

[6.] *7.* If the parties do not enter into negotiations or do not agree within 30 days after the hearing held pursuant to subsection 3, each of the parties shall submit a single written statement containing its final offer for each of the unresolved issues.

[7.] *8.* The arbitrator shall, within 10 days after the final offers are submitted, render his decision on the basis of the criteria set forth in NRS 288.200. The arbitrator shall accept one of the written statements and shall report his decision to the parties. The decision of the arbitrator is final and binding on the parties. Any award of the arbitrator is retroactive to the expiration date of the last contract between the parties.

[8.] *9.* The decision of the arbitrator must include a statement:

(a) Giving his reason for accepting the final offer that is the basis of his award; and

(b) Specifying his estimate of the total cost of the award.

[9.] *10.* As used in this section:

(a) "Educational support personnel" means all classified employees of a school district, other than teachers, who are represented by an employee organization.

(b) "Teacher" means an employee of a school district who is licensed to teach in this state and who is represented by an employee organization.".

Amend section 1, page 1, line 2, by deleting "$34,000,000" and inserting "33,700,000".

Amend sec. 2, pages 1 and 2, by deleting lines 25 and 26 on page 1 and lines 1 and 2 on page 2 and inserting: "made by section 1 of this act shall provide a comprehensive report to the 69th session of the Nevada legislature on or before February 1, 1997, or earlier if requested by the interim finance committee, which must include:".

Amend the bill as a whole by renumbering sections 3 and 4 as sections 11 and 12 and adding a new section designated sec. 10, following sec. 2, to read as follows:

"Sec. 10. There is hereby appropriated from the state general fund to the legislative commission the sum of $300,000 to contract with one or more qualified, independent, nationally recognized consultants to conduct an interim study of the feasibility of reconfiguring the structure of school districts in this state.".

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

"Sec. 11. Any remaining balance of the appropriations made by sections 8 and 10 of".

Amend the title of the bill to read as follows:

"An Act relating to local financial administration; establishing additional requirements for the annual audit of a local government; revising the sources of revenue that may be expended for labor negotiations; making an appropriation for distribution to local school districts and to study the feasibility of reconfiguring the structure of those school districts; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes to provisions governing local financial administration. (BDR 31-1495)".

Assemblyman Marvel moved that the Assembly concur in the Senate amendment to Assembly Bill No. 224.

Remarks by Assemblyman Marvel.

Motion carried.

Bill ordered enrolled.

Assembly Concurrent Resolution No. 33.

The following Senate amendment was read:

Amendment No. 1540.

Amend the resolution, page 2, between lines 33 and 34 by inserting:

"RESOLVED, That any recommended legislation proposed by the committee must be approved by a majority of any members of the Senate and a majority of any members of the Assembly appointed to the committee; and be it further".

Assemblyman Close moved that the Assembly do not concur in the Senate amendment to Assembly Concurrent Resolution No. 33.

Remarks by Assemblyman Close.

Motion carried.

Resolution ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 38.

The following Senate amendment was read:

Amendment No. 1539.

Amend the resolution, page 2, by deleting line 17 and inserting: "interim committee composed of members of the Senate and members".

Amend the resolution, page 3, between lines 26 and 27, by inserting:

"RESOLVED, That any recommended legislation proposed by the committee must be approved by a majority of any members of the Senate and a majority of any members of the Assembly appointed to the committee; and be it further".

Assemblyman Close moved that the Assembly do not concur in the Senate amendment to Assembly Concurrent Resolution No. 38.

Remarks by Assemblyman Close.

Motion carried.

Resolution ordered transmitted to the Senate.

Assembly Concurrent Resolution No. 49.

The following Senate amendment was read:

Amendment No. 1538.

Amend the resolution, page 2, between lines 37 and 38, by inserting:

"RESOLVED, That any recommended legislation proposed by the subcommittee must be approved by a majority of any members of the Senate and a majority of any members of the Assembly appointed to the subcommittee; and be it further".

Assemblyman Close moved that the Assembly do not concur in the Senate amendment to Assembly Concurrent Resolution No. 49.

Remarks by Assemblyman Close.

Motion carried.

Resolution ordered transmitted to the Senate.

Assembly Bill No. 538.

The following Senate amendment was read:

Amendment No. 1541.

Amend section 1, page 1, line 3, by deleting "seven" and inserting "eight".

Amend the bill as a whole by renumbering sec. 4 as sec. 5 and adding a new section designated sec. 4, following sec. 3, to read as follows:

"Sec. 4. Any recommended legislation proposed by the legislative committee to study state regulations which affect business and economic development must be approved by a majority of any members of the Senate and a majority of any members of the Assembly appointed to the committee.".

Assemblyman Close moved that the Assembly do not concur in the Senate amendment to Assembly Bill No. 538.

Remarks by Assemblyman Close.

Motion carried.

Bill ordered transmitted to the Senate.

Assembly Bill No. 228.

The following Senate amendment was read:

Amendment No. 1525.

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding new sections designated sections 3 and 4, following sec. 2, to read as follows:

"Sec. 3. There is hereby appropriated from the state general fund to the office of the director of the state department of conservation and natural resources the following sums to employ the services of a state climatologist, as required by NRS 396.595:

For the fiscal year 1995-96 ..... $25,147

For the fiscal year 1996-97 ..... $25,261

Sec. 4. Any balance of the sums appropriated by section 3 of this act remaining at the end of the respective fiscal years must not be committed for expenditure after June 30 and reverts to the state general fund as soon as all payments of money committed have been made.".

Amend sec. 3, page 1, by deleting lines 8 and 9 and inserting:

"Sec. 5. This act becomes effective on July 1, 1995.".

Amend the title of the bill to read as follows:

"An Act making appropriations to the office of the governor for an enhanced security system for the governor's mansion and to the office of the director of the state department of conservation and natural resources for the costs to employ a state climatologist; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriations to governor's office for enhanced security system for governor's mansion and to director's office of state department of conservation and natural resources for costs to employ state climatologist. (BDR S-1483)".

Assemblyman Marvel moved that the Assembly concur in the Senate amendment to Assembly Bill No. 228.

Remarks by Assemblyman Marvel.

Motion carried.

Bill ordered enrolled.

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

Assembly in recess at 12:48 p.m.

ASSEMBLY IN SESSION

At 2:22 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 581, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 210.

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

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 231 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

SECOND READING AND AMENDMENT

Senate Bill No. 581.

Bill read second time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1563.

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

Amend the title of the bill by deleting the second through fourth lines and inserting: "relating to the replacement of a water tank; and providing other matters properly".

Amend the summary of the bill to read as follows:

"Summary—Makes appropriation to Gerlach General Improvement District for expenses relating to replacement of water tank. (BDR S-2172)".

Assemblyman Marvel moved the adoption of the amendment.

Remarks by Assemblyman Marvel.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 210, has had the same under consideration, and begs leave to report the same back with the recommendation: Amend, and do pass as amended.

JOHN MARVEL, *Chairman*

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that all rules be suspended, reading so far had considered second reading, rules further suspended, Senate Bill No. 210 declared an emergency measure under the Constitution and placed on third reading and final passage.

Remarks by Assemblyman Ernaut.

Motion carried unanimously.

GENERAL FILE AND THIRD READING

Senate Bill No. 204.

Bill read third time.

Assemblyman Ernaut moved that Senate Bill No. 204 be taken from its position on the General File and placed at the bottom of the General File.

Motion carried.

Senate Bill No. 322.

Bill read third time.

Remarks by Assemblyman Chowning.

Roll call on Senate Bill No. 322:

YEAS—41.

NAYS—None.

Absent—Fettic.

Senate Bill No. 322 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 231.

Bill read third time.

Remarks by Assemblymen Batten, Perkins, Mr. Speaker Hettrick, Anderson, Carpenter, Close, Dini and Schneider.

Assemblymen Allard, Marvel and Bache moved the previous question.

Motion carried.

The question being on the passage of Senate Bill No. 231.

Roll call on Senate Bill No. 231:

YEAS—31.

NAYS—Bennett, Buckley, Goldwater, Lambert, Monaghan, Perkins, Price, Schneider, Tripple, Williams—10.

Absent—Fettic.

Senate Bill No. 231 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Buckley moved that Senate Bill No. 538 be taken from the Chief Clerk's desk and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 538.

Bill read third time.

The following amendment was proposed by Assemblyman Buckley:

Amendment No. 1562.

Amend the bill as a whole by renumbering section 1 as sec. 1.5 and adding a new section designated section 1, following the enacting clause, to read as follows:

"Section 1. NRS 685A.190 is hereby amended to read as follows:

685A.190 1. [Every] *A* broker who fails to make and file the annual statement [as required under] *required pursuant to* NRS 685A.170 before April 1 after the due date of the statement, is liable for a penalty of [$25 for each day of delinquency, beginning with April 1, but not to exceed in the aggregate $500.

2. Every] *$500.*

2. Except as otherwise provided in this subsection, a broker who fails to pay the tax required by NRS 685A.180 before April 1 after the date upon which the tax is due is liable *:*

(a) If the aggregate amount of the tax owed by the broker is more than $50, for a penalty in the first year of delinquency in the amount of [$500 or the amount,] *$1,000 or 125 percent* of the delinquent tax, whichever is larger [. If the broker fails to pay the tax and penalty within 1 year after they are due, the broker is liable for a separate penalty for each subsequent year of delinquency equal to the sum of all unpaid taxes and penalties for each previous year.] *; or*

(b) If the aggregate amount of the tax owed by the broker is $50 or less, for a penalty in the first year of delinquency in an amount equal to the amount of the delinquent tax.

3. Interest must be charged on all penalties imposed pursuant to subsection 2 in an amount equal to the prime rate at the largest bank in the State of Nevada, as ascertained by the commissioner of financial institutions on January 1 of the year in which the tax became due, plus 2 percent. The rate

must be adjusted on July 1 and January 1 thereafter. The interest charged must be compounded monthly and must continue to accrue until the penalty and interest are paid in full.

4. The tax may be collected by distraint, or the tax and [fine] *penalty* may be recovered by an action instituted by the commissioner, in the name of the state, the attorney general representing him, in any court of competent jurisdiction. The [fine,] *penalty,* when so collected, must be paid to the state treasurer for credit to the state general fund.

[4.] *5.* No proceeding to recover taxes, penalties or fines pursuant to this section may be maintained unless it is commenced by the giving of notice to the person against whom the proceeding is brought within 5 years after the occurrence of the charged act or omission. This limitation does not apply if the commissioner finds fraudulent or willful evasion of taxes.".

Amend the bill as a whole by renumbering sec. 27 as sec. 30, and adding new sections designated sections 27 through 29, following sec. 26, to read as follows:

"Sec. 27. NRS 695C.210 is hereby amended to read as follows:

695C.210 1. Every health maintenance organization shall file with the commissioner on or before March 1 of each year a report showing its financial condition on the last day of the preceding calendar year. The report must be verified by at least two principal officers of the organization. The organization shall file a copy of the report with the state board of health.

2. The report must be on forms prescribed by the commissioner and must include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) Any material changes in the information submitted pursuant to NRS 695C.070;

(c) The number of persons enrolled during the year, the number of enrollees as of the end of the year, the number of enrollments terminated during the year and, if requested by the commissioner, a compilation of the reasons for such terminations;

(d) The number and amount of malpractice claims initiated against the health maintenance organization and any of the providers used by it during the year broken down into claims with and without form of legal process, and the disposition, if any, of each such claim, if requested by the commissioner;

(e) A summary of information compiled pursuant to paragraph (c) of subsection 2 of NRS 695C.080 in such form as required by the state board of health; and

(f) Such other information relating to the performance of the health maintenance organization as is necessary to enable the commissioner to carry out his duties pursuant to this chapter.

3. Every health maintenance organization shall file with the commissioner annually an audited financial statement of the organization prepared by an independent certified public accountant. The statement must cover the

preceding 12-month period and must be filed with the commissioner within [90] *120* days after the end of the organization's fiscal year. Upon written request, the commissioner may grant a 30-day extension.

4. If an organization fails to file timely the report or financial statement required by this section, it shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The attorney general shall recover the penalty in the name of the State of Nevada.

5. The commissioner may grant a reasonable extension of time for filing the report or financial statement required by this section, if the request for an extension is submitted in writing and shows good cause.

Sec. 28. NRS 695D.260 is hereby amended to read as follows:

695D.260 1. Every organization for dental care shall file with the commissioner on or before March 1 of each year a report covering its activities for the preceding calendar year. The report must be verified by at least two officers of the organization.

2. The report must be on a form prescribed by the commissioner and must include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year.

(b) Any material changes in the information given in the previous report.

(c) The number of members enrolled in that year, the number of members whose coverage has been terminated in that year and the total number of members at the end of the year.

(d) The costs of all goods, services and dental care provided that year.

(e) Any other information relating to the plan for dental care requested by the commissioner.

3. Every organization for dental care shall file with the commissioner annually an audited financial statement prepared by an independent certified public accountant. The statement must cover the most recent fiscal year of the organization and must be filed with the commissioner within [90] *120* days after the end of that fiscal year.

4. If an organization fails to file timely the report or financial statement required by this section, it shall pay an administrative penalty of $100 per day until the report or statement is filed, except that the total penalty must not exceed $3,000. The attorney general shall recover the penalty in the name of the State of Nevada.

5. The commissioner may grant a reasonable extension of time for filing the report or financial statement required by this section, if the request for an extension is submitted in writing and shows good cause.

6. The organization shall pay the department of taxation the annual tax, any penalty for nonpayment or delinquent payment of the tax imposed in chapter 680B of NRS, and a filing fee of $25 to the commissioner, at the time the annual report is filed.

Sec. 29. NRS 695F.320 is hereby amended to read as follows:

695F.320 1. Each prepaid limited health service organization shall file with the commissioner annually, on or before March 1, a report showing its financial condition on the last day of the preceding calendar year. The report must be verified by at least two principal officers of the organization.

2. The report must be on a form prescribed by the commissioner and include:

(a) A financial statement of the organization, including its balance sheet and receipts and disbursements for the preceding calendar year;

(b) The number of subscribers at the beginning and the end of the year and the number of enrollments terminated during the year; and

(c) Such other information as the commissioner may prescribe.

3. Each prepaid limited health service organization shall file with the commissioner annually an audited financial statement prepared by an independent certified public accountant. The statement must cover the most recent fiscal year of the organization and must be filed with the commissioner within [90] *120* days after the end of that fiscal year.

4. The commissioner may require more frequent reports containing such information as is necessary to enable him to carry out his duties pursuant to this chapter.

5. The commissioner may:

(a) Assess a fine of not more than $100 per day for each day the report or financial statement required pursuant to this section is not filed after the report or financial statement is due, but the fine must not exceed $3,000; and

(b) Suspend the organization's certificate of authority until the organization files the report.".

Amend the bill as a whole by adding new sections designated sections 31 and 32 and the text of the repealed section, following sec. 27, to read as follows:

"Sec. 31. Section 35 of Assembly Bill No. 475 of this session is hereby repealed.

Sec. 32. Sections 1, 27, 28, 29 and 31 of this act become effective at 12:01 a.m. on October 1, 1995.

TEXT OF REPEALED SECTION

Section 35 of Assembly Bill No. 475 of this session:

Sec. 35. NRS 686A.470 is hereby amended to read as follows:

686A.470 Return of unearned premium.

1. When an insurance policy is canceled pursuant to NRS 686A.460, the insurer shall return the unearned premium to the company for credit to the account of the insured. The premium must be mailed to the company:

(a) Within 45 days after receipt of the notice of cancellation; or

(b) Immediately following an audit performed to determine the amount of the premium. If such an audit is performed, it must be completed within 60 days after receipt of the notice of cancellation.

2. If the returned portion of the premium exceeds the insured's obligation to the company, the company shall pay the excess to the insured within 30 days after receipt, except that no refund is required if the excess is less than $1.

3. If the returned portion of the premium is less than the insured's obligation to the company, the company shall notify the insured within 15 days making a demand for payment, except that the company shall not make a demand for payment if the obligation is less than $1.

4. The company shall notify the agent who submitted the agreement of any refund paid directly to the insured pursuant to subsection 2 at the time the refund is paid. Within 15 days after receipt of this notice, the agent shall refund to the insured any unearned commissions which are owed to the insured as a result of the cancellation.

5. The company shall notify the agent who submitted the agreement of any deficiency. Within [30] *15* days after receipt of the notice, the agent shall refund to the insured any unearned commissions which are owed to the insured as a result of the cancellation.".

Amend the title of the bill to read as follows:

"An Act relating to insurance; revising provisions governing the payment by brokers of taxes and penalties; establishing requirements regarding the marketing, coverage and renewal of certain contracts of health insurance for small employers; authorizing the formation of voluntary groups to purchase certain contracts of health insurance; extending the time by which certain insurers must file certain financial information with the commissioner of insurance; and providing other matters properly relating thereto.".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes to provisions governing insurance. (BDR 57-1065)".

Assemblyman Buckley moved the adoption of the amendment.

Remarks by Assemblyman Buckley.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 210.

Bill read third time.

The following amendment was proposed by the Committee on Ways and Means:

Amendment No. 1553.

Amend the bill as a whole by renumbering sections 3 and 4 as sections 4 and 5 and adding a new section designated sec. 3, following sec. 2, to read as follows:

"Sec. 3. 1. There is hereby appropriated from the state general fund to the department of administration the sum of $250,000 for expenses related to a study on business process re-engineering which would include an interface between the data centers for the public safety portion of the department of motor vehicles and public safety, the department of prisons and the data center within the attorney general's office.

2. The department of administration shall report semiannually to the interim finance committee concerning the progress of the study on business process re-engineering and submit the final report to the legislative commission and the interim finance committee on or before September 30, 1996.".

Amend sec. 3, page 1, lines 12 and 13, by deleting: "1 and 2" and inserting: "1, 2 and subsection 1 of section 3".

Amend the title of the bill, second line, after "departments;" by inserting: "making an appropriation to the department of administration for a study on business process re-engineering;".

Assemblyman Tiffany moved the adoption of the amendment.

Remarks by Assemblyman Tiffany .

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Marvel moved that the Assembly do not recede from its action on Senate Bill No. 579, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Marvel.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Marvel, Arberry and Allard as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 579.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Senate Bill No. 397 be taken from its position on the General File and placed at the top of the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 397.

Bill read third time.

Remarks by Assemblymen Chowning and Mr. Speaker Hettrick.

Roll call on Senate Bill No. 397:

YEAS—41.

NAYS—None.

Absent—Fettic.

Senate Bill No. 397 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Mr. Speaker announced that if there were no objections, the Assembly would recess until 3:30 p.m.

Assembly in recess at 2:50 p.m.

ASSEMBLY IN SESSION

At 3:47 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 326, 388, 563, 679.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 8, 170, 303, 450, 634, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 132.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 606.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 388, 442, 550.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 299.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 344.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 171 and requests a second conference, and appointed Senators James, McGinness and Adler as a second Committee on Conference to meet with a like committee of the Assembly for the further consideration of Senate Bill No. 171.

MARY JO MONGELLI
Assistant Secretary of the Senate

GENERAL FILE AND THIRD READING

Senate Bill No. 538.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Senate Bill No. 538:

YEAS—39.

NAYS—None.

Absent—Chowning, Price—2.

Not voting—Krenzer.

Senate Bill No. 538 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 8.

The following Senate amendment was read:

Amendment No. 1527.

Amend section 1, page 1, by deleting lines 3 through 23 and inserting:

"1. In the case of a district created wholly or in part for acquiring facilities for FM radio, the board has the power to:

(a) Acquire broadcast, transmission and relay improvements for FM radio.

(b) Levy special assessments against specially benefited real property on which are located receivers operated within the district and able to receive broadcasts of FM radio supplied by the district.

(c) Fix tolls, rates and other service or use charges for services furnished by the district or facilities of the district, including, without limitation, any one, all or any combination of the following:

(1) Flat rate charges;

(2) Charges classified by the number of receivers;

(3) Charges classified by the value of property served by receivers of FM radio;

(4) Charges classified by the character of the property served by receivers of FM radio;

(5) Minimum charges;

(6) Stand-by charges; or

(7) Other charges based on the availability of service.

2. The district does not have the power in connection with the basic power stated in this section to:

(a) Borrow money which loan is evidenced by the issuance of any general obligation bonds or other general obligations of the district.

(b) Rebroadcast an FM radio signal in a community served by a commercial radio station licensed by the Federal Communications Commission.".

Amend sec. 3, page 3, line 19, by inserting "and" after the semicolon.

Amend sec. 3, page 3, by deleting lines 21 through 23 and inserting "318.1185.".

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

"Sec. 7. Section 3 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Lambert moved that the Assembly concur in the Senate amendment to Assembly Bill No. 8.

Remarks by Assemblyman Lambert.

Motion carried.

Bill ordered enrolled.

Assemblyman Ernaut moved that the Assembly recess subject to the call of the Chair.

Motion carried.

Assembly in recess at 3:54 p.m.

ASSEMBLY IN SESSION

At 4:16 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Chowning moved that the vote whereby Senate Bill No. 538 was passed be rescinded.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 538.

Bill read third time.

Roll call on Senate Bill No. 538:

YEAS—41.

NAYS—None.

Not voting—Krenzer.

Senate Bill No. 538 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Humke moved that the Assembly do not recede from its action on Senate Bill No. 299, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Humke.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Carpenter, Anderson and Humke as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 299.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 170.

The following Senate amendment was read:

Amendment No. 1548.

Amend sec. 3, page 2, by deleting line 15 and inserting:

"Sec. 3. This act becomes effective on July 1, 1997.".

Assemblyman Stroth moved that the Assembly concur in the Senate amendment to Assembly Bill No. 170.

Remarks by Assemblyman Stroth.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 634.

The following Senate amendment was read:

Amendment No. 1300.

Amend the bill as a whole by renumbering sections 1 through 3 as sections 3 through 5 and adding new sections designated sections 1 and 2, following the enacting clause, to read as follows:

"Section 1. NRS 433A.200 is hereby amended to read as follows:

433A.200 *1.* A proceeding for an involuntary court-ordered admission of any person in the State of Nevada may be commenced by the filing of a petition with the clerk of the district court of the county where the person who is to be treated resides. The petition may be filed by the spouse, parent, adult children or legal guardian of the person to be treated or by any physician, psychologist, social worker or registered nurse, by an accredited agent of the department or by any officer authorized to make arrests in the State of Nevada. The petition must be accompanied:

[1.] *(a)* By a certificate of a physician or licensed psychologist stating that he has examined the person alleged to be mentally ill and has concluded that as a result of mental illness the person is likely to harm himself or others; or

[2.] *(b)* By a sworn written statement by the petitioner that:

[(a)] *(1)* The petitioner has probable cause to believe that the person is mentally ill and, because of that illness is likely to harm himself or others; and

[(b) That the]

(2) The person has refused to submit to examination or treatment by a physician, psychiatrist or licensed psychologist.

2. If the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, the petition must, in addition to the certificate or statement required by subsection 1, include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.

Sec. 2. NRS 433A.210 is hereby amended to read as follows:

433A.210 A petition filed with the clerk of the district court to commence proceedings for involuntary court-ordered admission of a person pursuant to NRS 433A.150 must include:

1. A certified copy of the application made pursuant to NRS 433A.160 with respect to the person detained; [and]

2. A petition executed by a psychiatrist, licensed psychologist [,] or physician certifying that he has examined the person alleged to be mentally ill and has concluded that as a result of mental illness the person is likely to harm himself or others [.] *; and*

3. If the person to be treated is a minor and the petitioner is a person other than a parent or guardian of the minor, a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition.".

Amend the title of the bill, first line, by deleting "shortening" and inserting: "requiring a petition for the involuntary court-ordered admission of a minor to a mental health facility to include a statement signed by a parent or guardian of the minor that the parent or guardian does not object to the filing of the petition; reducing".

Assemblyman Monaghan moved that the Assembly concur in the Senate amendment to Assembly Bill No. 634.

Remarks by Assemblyman Monaghan.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 303.

The following Senate amendment was read:

Amendment No. 898.

Amend section 1, page 2, line 13, by deleting "*agencies.*" and inserting: "*agencies and the business community that will be included in the partnerships established pursuant to paragraph (a) of subsection 3.*".

Amend section 1, page 3, line 3, by deleting "*comment*" and inserting "*approval*".

Amend section 1, page 3, line 4, by deleting: "*nity to determine*" and inserting: "*nity of the means of obtaining those objectives. The members of the partnership who perform the periodic review shall make a determination of*".

Assemblyman Williams moved that the Assembly concur in the Senate amendment to Assembly Bill No. 303.

Remarks by Assemblyman Williams.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 450.

The following Senate amendments were read:

Amendment No. 1293.

Amend sec. 2, page 2, line 29, by deleting: "*of three times*" and inserting "*equal to*".

Amend sec. 2, page 2, line 32, by deleting "*five*" and inserting "*three*".

Amend sec. 2, page 2, line 34, by deleting "*$5,000,*" and inserting "*$3,000,*".

Amend sec. 3, page 3, line 29, by deleting: "*of three times*" and inserting "*equal to*".

Amend sec. 3, page 3, line 32, by deleting "*five*" and inserting "*three*".

Amend sec. 3, page 3, line 34, by deleting "*$5,000,*" and inserting "*$3,000,*".

Amendment No. 1551.

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

"Sec. 2. Chapter 372 of NRS is hereby amended by adding thereto a new section to read as follows:

In administering the provisions of this chapter, the department shall, pursuant to NRS 372.185, calculate the amount of tax imposed on the use or other consumption of meals provided by an employer to his employees based on the cost of the specific components of those meals if:

1. The meals are furnished on a regular basis on the premises of the employer for the convenience of the employer; and

2. *The employer does not charge the employees a specific fixed price per meal.*".

Amend the bill as a whole by renumbering sec. 3 as sec. 5 and adding a new section designated sec. 4, following sec. 2, to read as follows:

"Sec. 4. Chapter 374 of NRS is hereby amended by adding thereto a new section to read as follows:

In administering the provisions of this chapter, the department shall, pursuant to NRS 374.190, calculate the amount of tax imposed on the use or other consumption of meals provided by an employer to his employee based on the cost of the specific components of those meals if:

1. The meals are furnished on a regular basis on the premises of the employer for the convenience of the employer; and

2. The employer does not charge the employees a specific fixed price per meal.".

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

"Sec. 6. NRS 374.635 is hereby amended to read as follows:

374.635 1. If the department determines that any amount, penalty or interest has been paid more than once or has been erroneously or illegally collected or computed, the department shall set forth that fact in the records of the department and shall certify to the board of county commissioners the amount collected in excess of the amount legally due and the person from whom it was collected or by whom paid. If approved by the board of county commissioners, the excess amount collected or paid [shall] *must* be credited on any amounts then due [and payable] from the person [under] *pursuant to* this chapter, and the balance [shall] *must* be refunded to the person, or his successors, administrators or executors.

2. Any overpayment of the use tax by a purchaser to a retailer who is required to collect the tax and who gives the purchaser a receipt therefor pursuant to NRS 374.190 to 374.260, inclusive, [shall] *and section 4 of this act, must* be credited or refunded by the county.

Sec. 7. NRS 374.645 is hereby amended to read as follows:

374.645 No credit or refund of any amount paid pursuant to NRS 374.190 to 374.260, inclusive, [shall] *and section 4 of this act, may* be allowed on the ground that the storage, use or other consumption of the property is exempted [under] *pursuant to* NRS 374.350, unless the person who paid the amount reimburses his vendor for the amount of the sales tax imposed upon his vendor with respect to the sale of the property and paid by the vendor to the county.

Sec. 8. NRS 374.695 is hereby amended to read as follows:

374.695 1. If judgment is rendered for the plaintiff, the amount of the judgment [shall] *must* first be credited as follows:

(a) If the judgment is for a refund of sales taxes, it [shall] *must* be credited on any sales or use tax or amount of use tax due from the plaintiff.

(b) If the judgment is for a refund of use taxes, it [shall] *must* be credited on any use tax or amount of use tax due from the plaintiff [under] *pursuant to* NRS 374.190 to 374.260, inclusive [.] *, and section 4 of this act.*

2. The balance of the judgment [shall] *must* be refunded to the plaintiff.".

Amend the title of the bill, fourth line, after "reported;" by inserting: "providing for the calculation of the use tax on certain meals provided by an employer to his employees;".

Amend the summary of the bill to read as follows:

"Summary—Makes various changes relating to collection of sales and use taxes. (BDR 32-1102)".

Assemblyman Stroth moved that the Assembly concur in the Senate amendments to Assembly Bill No. 450.

Remarks by Assemblyman Stroth.

Motion carried.

Bill ordered enrolled.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Education, to which was referred Senate Bill No. 88, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

WENDELL P. WILLIAMS, *Chairman*

Mr. Speaker announced that if there were no objections, the Assembly would recess until 5 p.m.

Assembly in recess at 4:30 p.m.

ASSEMBLY IN SESSION

At 5:04 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 405.

MARY JO MONGELLI
Assistant Secretary of the Senate

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 405.

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

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 47, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

DOUGLAS A. BACHE	WILLIAM R. O'DONNELL
JOAN A. LAMBERT	JON C. PORTER
WILLIAM Z. HARRINGTON	RAYMOND C. SHAFFER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Lambert moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 47.

Remarks by Assemblyman Lambert.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 204.

Bill read third time.

The following amendment was proposed by Assemblyman Tiffany:

Amendment No. 1567.

Amend sec. 2, page 2, by deleting lines 23 through 27 and inserting: "department of education the sum of $3,000,000 to be used as follows:

(a) The sum of $400,000 to be used by the department for nonrecurring expenses related to connecting individual public schools to the educational information network of the University and Community College System of Nevada;

(b) The sum of $705,000 to be used by the department for:

(1) Contractual services to provide an analysis of the needs of each county school district;

(2) Contractual services to evaluate, plan, install, implement and test in the public schools and the offices of the county school districts throughout the state an automated statewide system of information concerning pupils;

(3) The development of applications for the statewide system; and

(4) The provision of training and written documentation to support the statewide system;

(c) The sum of $81,000 to be used by the department for contractual services to develop software that may be used by county school districts to generate the reports required pursuant to NRS 385.347; and

(d) The sum of $1,814,000 to be distributed among the various county school districts for the purchase of computer hardware and software and related services as set forth in a plan developed by each school district, respectively, for participation in the automated statewide system of information concerning pupils. The plan developed by a school district must be compiled from plans developed for each public school within the school district and, must be approved by the superintendent of public instruction before the school district may receive money pursuant to this paragraph.".

Amend sec. 2, page 2, line 28, after "pursuant to" by inserting: "paragraph (a) of".

Amend the title of the bill by deleting the third and fourth lines and inserting: "nications services to improve access to INTERNET, increase the use of interactive video and for the development and implementation of an automated statewide system of information concerning pupils; and providing other matters properly relating thereto.".

Amend the summary of the bill by deleting the third and fourth lines and inserting: "nications services to improve access to INTERNET, increase use of interactive video and for development and implementation of automated statewide system of information concerning pupils. (BDR S-1494)".

Assemblyman Tiffany moved the adoption of the amendment.

Remarks by Assemblyman Tiffany.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 88.

Bill read third time.

Remarks by Assemblymen Chowning, Bache, Harrington, Allard and Giunchigliani.

Roll call on Senate Bill No. 88:

YEAS—39.

NAYS—Harrington, Stroth—2.

Absent—Nolan.

Senate Bill No. 88 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendments to Senate Bill No. 341.

MARY JO MONGELLI
Assistant Secretary of the Senate

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

Assembly in recess at 5:27 p.m.

ASSEMBLY IN SESSION

At 6:48 p.m.

Mr. Speaker presiding.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means, to which was referred Senate Bill No. 405, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

JOHN MARVEL, *Chairman*

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 148, 631, 725, 741.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bills Nos. 447, 526, and respectfully requests your honorable body to concur in said amendments.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 210 and requests a conference, and appointed Senators Rawson, Rhoads and Coffin as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Bill No. 538 and requests a conference, and appointed Senators McGinness, Raggio and Titus as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Concurrent Resolution No. 33 and requests a conference, and appointed Senators McGinness, Raggio and Titus as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Concurrent Resolution No. 38 and requests a conference, and appointed Senators McGinness, Raggio and Titus as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to recede from its action on Assembly Concurrent Resolution No. 49 and requests a conference, and appointed Senators McGinness, Raggio and Titus as a first Committee on Conference to meet with a like committee of the Assembly.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 101, 121, 218, 441, 560.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 492.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Arberry, Marvel and Dini as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 210.

Mr. Speaker appointed Assemblymen Close, Dini and Lambert as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Bill No. 538.

Mr. Speaker appointed Assemblymen Close, Dini and Lambert as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Concurrent Resolution No. 33.

Mr. Speaker appointed Assemblymen Close, Dini and Lambert as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Concurrent Resolution No. 38.

Mr. Speaker appointed Assemblymen Close, Dini and Lambert as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Assembly Concurrent Resolution No. 49.

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Concurrent Resolution No. 14, consisting of the undersigned members, has met, and reports that:

No decision was reached.

WILLIAM Z. HARRINGTON	SUE LOWDEN
GENE WINES SEGERBLOM	BOB COFFIN
PATRICIA A. TRIPPLE	KATHY AUGUSTINE
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Tripple moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Concurrent Resolution No. 14.

Remarks by Assemblyman Tripple.

Motion carried.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Williams moved that the Assembly do not recede from its action on Senate Bill No. 341, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Williams.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Williams, Harrington and Buckley as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 341.

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 526.

The following Senate amendment was read:

Amendment No. 1554.

Amend sec. 3, pages 2 and 3, by deleting lines 36 through 48 on page 2 and lines 1 through 19 on page 3 and inserting:

"4. Each *request for an* opinion *submitted pursuant to subsection 1 or 2, each such opinion* rendered by the commission and any motion , *preliminary determination, evidence or record of a hearing* relating to [the opinion is] *such a request are* confidential unless:

(a) [The] *It is an opinion requested pursuant to subsection 1 and the* public officer or employee [acts] *who requested the opinion:*

(1) Acts in contravention of the opinion, in which case the commission may disclose the *request for the opinion, the* contents of the opinion and any motion , *evidence or record of a hearing* related thereto;

[(b) It is an opinion requested pursuant to subsection 1 and the requester discloses the content of the opinion;

(c) It is an opinion requested or issued pursuant to paragraph (b) or (c) of subsection 2 and the person about whom the opinion was requested discloses the content]

(2) Discloses the request for the opinion, the contents of the opinion [, the request] or any motion [or action] *, evidence or record of a hearing* related thereto;

[(d)] *or*

(3) Requests the commission to disclose the request for the opinion, the contents of the opinion or any motion, evidence or record of a hearing related thereto; or

(b) It is an opinion requested pursuant to subsection 2 [, the] *regarding the past conduct of a public officer or employee and:*

(1) The commission determines pursuant to subsection 2 that there is just and sufficient cause to render an opinion, in which case the commission may open the proceedings to the public and disclose the request for the opinion, the contents of the opinion and any motion, preliminary determination, evidence or record of a hearing related thereto;

(2) The commission determines that there is insufficient basis to render an opinion and the person about whom the opinion was requested has asked the commission to make public the reasons for not rendering the opinion;

[(e) It is a motion or preliminary determination relating to an opinion requested pursuant to paragraph (b) of subsection 2 that the commission determines should be made public; or

(f) It is an opinion relating to the propriety of past conduct that the commission determines should be made public.] *; or*

(3) The person about whom the opinion was requested discloses the request for the opinion, the contents of the opinion, or any motion, preliminary determination, evidence or record of a hearing related thereto.".

Amend sec. 3, page 3, line 47, by deleting "*subsection 1*" and inserting "*this section*".

Assemblyman Giunchigliani moved that the Assembly concur in the Senate amendment to Assembly Bill No. 526.

Remarks by Assemblyman Giunchigliani.

Motion carried.

Bill ordered enrolled.

Assembly Bill No. 447.

The following Senate amendment was read:

Amendment No. 1549.

Amend sec. 10, page 4, by deleting lines 33 and 34 and inserting: "words and terms defined in NRS 482.011 to 482.137, inclusive, and section 2 of *Assembly Bill No. 352 of this session and section 2 of* this act, have the meanings ascribed to them in those sections.".

Amend the bill as a whole by adding a new section designated sec. 12.5, following sec. 12, to read as follows:

"Sec. 12.5. NRS 482.321 is hereby amended to read as follows:

482.321 1. Any dealer in vehicles in this state qualified to receive a dealer's license is entitled to register in his name not more than 12 vehicles upon payment of the fees for registration and licensing as provided in this chapter. The dealer is not subject to the payment of privilege taxes on [these

registrations, and may transfer the registrations to other vehicles he holds for sale or resale after payment of the fees for registration and for issuance of the certificate of title.] *the registrations of those vehicles.*

2. Vehicles so registered are subject to the payment of privilege taxes by the purchaser from the dealer at the time of their transfer to the purchaser.

3. The transferee of the vehicle is required to pay the fees for registration and privilege taxes before he is entitled to a transfer of the registration and title in his name. The transferee shall apply for registration as provided in NRS 482.215.

4. This section does not apply to work or service vehicles.".

Amend the bill as a whole by adding a new section designated sec. 17, following sec. 16, to read as follows:

"Sec. 17. Section 10 of this act becomes effective at 12:01 a.m. on October 1, 1995.".

Amend the title of the bill, fifth line, after "matters;" by inserting: "eliminating the authority of a dealer to transfer the registrations of vehicles which are not subject to the payment of privilege taxes to other vehicles he holds for sale or resale;".

Assemblyman Chowning moved that the Assembly concur in the Senate amendment to Assembly Bill No. 447.

Remarks by Assemblyman Chowning.

Motion carried.

Bill ordered enrolled.

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Tiffany moved that the Assembly do not recede from its action on Senate Bill No. 492, that a conference be requested, and that Mr. Speaker appoint a first Committee on Conference consisting of three members to meet with a like committee of the Senate.

Remarks by Assemblyman Tiffany.

Motion carried.

APPOINTMENT OF CONFERENCE COMMITTEES

Mr. Speaker appointed Assemblymen Tiffany, Brower and Schneider as a first Committee on Conference to meet with a like committee of the Senate for the further consideration of Senate Bill No. 492.

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

Assembly in recess at 7 p.m.

ASSEMBLY IN SESSION

At 7:25 p.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 538, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

JACK D. CLOSE, SR.	MIKE MCGINNESS
JOAN A. LAMBERT	WILLIAM J. RAGGIO
JOSEPH E. DINI, JR.	DINA TITUS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Close moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 538.

Remarks by Assemblyman Close.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Assembly Concurrent Resolution No. 33, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

JACK D. CLOSE, SR.	MIKE MCGINNESS
JOAN A. LAMBERT	WILLIAM J. RAGGIO
JOSEPH E. DINI, JR.	DINA TITUS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Close moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Concurrent Resolution No. 33.

Remarks by Assemblyman Close.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Assembly Concurrent Resolution No. 38, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

JACK D. CLOSE, SR.	MIKE MCGINNESS
JOAN A. LAMBERT	WILLIAM J. RAGGIO
JOSEPH E. DINI, JR.	DINA TITUS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Close moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Concurrent Resolution No. 38.

Remarks by Assemblyman Close.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Assembly Concurrent Resolution No. 49, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

JACK D. CLOSE, SR.	MIKE MCGINNESS
JOAN A. LAMBERT	WILLIAM J. RAGGIO
JOSEPH E. DINI, JR.	DINA TITUS
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Close moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Concurrent Resolution No. 49.

Remarks by Assemblyman Close.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 85, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be receded from.

WENDELL P. WILLAMS	SUE LOWDEN
BERNARD J. ANDERSON, JR.	BOB COFFIN
PATRICIA A. TRIPPLE	KATHY AUGUSTINE
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Williams moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 85.

Remarks by Assemblyman Williams.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 579, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 30, which is attached to and hereby made a part of this report.

JOHN W. MARVEL	RAYMOND D. RAWSON
MORSE ARBERRY, JR.	DEAN A. RHOADS
DENNIS L. ALLARD	BERNICE MATHEWS
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 30.

Amend sec. 13, page 4, line 41, after "between" by inserting: "West Washington Avenue and Vegas Drive and along U.S. Highway No. 95 in Las Vegas, Nevada, between".

Assemblyman Marvel moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 579.

Remarks by Assemblyman Marvel.

Motion carried.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Stroth moved that Senate Bill No. 546 be taken from the Chief Clerk's desk and placed on the General File.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 204.

Bill read third time.

Remarks by Assemblymen Tiffany, Giunchigliani, Close and Tripple.

Potential conflicts of interest declared by Assemblymen Spitler, Evans and Price.

Roll call on Senate Bill No. 204:

YEAS—41.

NAYS—None.

Not voting—Spitler.

Senate Bill No. 204 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 405.

Bill read third time.

Remarks by Assemblymen Evans, Freeman, Close, Humke, Steel, Giunchigliani, Harrington, Brower and Monaghan.

Roll call on Senate Bill No. 405:

YEAS—34.

NAYS—Allard, Bennett, Braunlin, Close, Harrington, Steel, Stroth, Tiffany—8.

Senate Bill No. 405 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 546.

Bill read third time.

The following amendment was proposed by the Committee on Taxation:

Amendment No. 1566.

Amend section 1, page 1, by deleting lines 3 and 4 and inserting: "*1. A bill that imposes or increases a tax or assessment must be*".

Amend section 1, page 1, by deleting lines 11 through 17 and inserting: "*2. Except as otherwise provided in this subsection, no substantive amendments may be made to a bill that imposes or increases a tax or assessment between the first vote and second vote on*".

Amend sec. 2, page 2, by deleting lines 15 and 16 and inserting: "*copy of a bill that imposes or increases a tax or assessment in accordance with the provisions of subsection 1 before the*".

Amend sec. 4, page 2, by deleting lines 35 and 36 and inserting: "Shall a bill that imposes or increases a tax or assessment be considered and approved twice for final passage".

Amend sec. 5, page 2, line 44, by deleting the period and inserting: "and the question which was first approved by the voters as Question No. 11 on the ballot for the general election on November 8, 1994, is not approved by the voters when resubmitted on the ballot for the general election on November 5, 1996.".

Amend the title of the bill by deleting the second and third lines and inserting: "whether a bill that imposes or increases a tax or assessment must be considered and approved twice for final passage by each house".

Amend the summary of the bill, second line, by deleting "public revenue." and inserting: "tax or assessment.".

Assemblyman Stroth moved the adoption of the amendment.

Remarks by Assemblymen Stroth and Lambert.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 525, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be receded from.

WENDELL P. WILLIAMS	WILLIAM R. O'DONNEL
DENNIS NOLAN	RAYMOND C. SHAFFER
GENE WINES SEGERBLOM	ANN O'CONNELL
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Williams moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 525.

Remarks by Assemblyman Williams.

Motion carried.

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

Assembly in recess at 8:02 p.m.

ASSEMBLY IN SESSION

At 8:52 p.m.

Mr. Speaker presiding.

Quorum present.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bills Nos. 331, 458.

Also, I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 204, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 538.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Concurrent Resolution No. 33.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Concurrent Resolution No. 38.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Concurrent Resolution No. 49.

Also, I have the honor to inform your honorable body that the Senate on this day passed, as amended, Senate Bill No. 361.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 231, 322, 333, 397, 569.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators McGinness, James and Regan as a first Committee on Conference concerning Senate Bill No. 299.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 85.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The second Committee on Conference concerning Senate Bill No. 171, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be receded from.

CYNTHIA DIANE STEEL	MARK A. JAMES
BRIAN SANDOVAL	MIKE MCGINNESS
BARBARA BUCKLEY	ERNEST E. ADLER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Steel moved that the Assembly adopt the report of the second Committee on Conference concerning Senate Bill No. 171.

Remarks by Assemblymen Steel, Bache and Buckley.

Motion carried on a division of the house.

Assemblymen Anderson, Humke and Goldwater requested a roll call on Assemblyman Steel's motion.

Roll call on Assemblyman Steel's motion:

YEAS—31.

NAYS—Anderson, Bache, Buckley, Giunchigliani, Goldwater, Humke, Price, Schneider, Spitler—9.

Absent—Evans, Williams—2.

The motion having received a majority, Mr. Speaker declared it carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 210.

Bill read third time.

Remarks by Assemblyman Tiffany.

Roll call on Senate Bill No. 210:

YEAS—40.

NAYS—None.

Absent—Evans, Williams—2.

Senate Bill No. 210 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 546.

Bill read third time.

Remarks by Assemblyman Stroth.

Roll call on Senate Bill No. 546:

YEAS—39.

NAYS—Steel.

Absent—Evans, Williams—2.

Senate Bill No. 546 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 581.

Bill read third time.

Remarks by Assemblymen Arberry, Tripple, Segerblom, Bache, Dini, Price, Marvel and Humke.

Assemblyman Ernaut requested that Assemblyman Tripple's remarks be entered in the Journal.

Thank you, Mr. Speaker. I stand in support of Senate Bill No. 581. Although most of you think I represent part of Reno, it goes clear out to the border, which includes Gerlach. I've seen this water tank. We need a new one. Thank you.

Roll call on Senate Bill No. 581:

YEAS—38.

NAYS—Bache, Giunchigliani—2.

Absent—Evans, Williams—2.

Senate Bill No. 581 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

INTRODUCTION, FIRST READING AND REFERENCE

Senate Bill No. 361.

Assemblyman Ernaut moved that the bill be referred to the Committee on Commerce.

Motion carried.

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 204.

The following Senate amendment was read:

Amendment No. 1466.

Amend section 1, page 1, line 21, after "*manner.*" by inserting: "*If during his term the commissioner ceases to be a recipient of assistance, he must be replaced in the manner set forth in this subsection by a person who is a recipient of assistance.*".

Amend section 1, page 2, line 3, after "*manner.*" by inserting: "*If during his term the commissioner ceases to be a recipient of assistance, he must be replaced in the manner set forth in subsection 2 by a person who is a recipient of assistance.*".

Amend sec. 3, page 2, by deleting lines 36 through 39 and inserting: "homebuilding.

(b) [Three] *Two* commissioners who are representatives of the general public.".

Amend sec. 3, page 2, line 45, after "*authority.*" by inserting: "*If during his term the commissioner ceases to be a recipient of assistance, he must be replaced by a person who is a recipient of assistance.*".

Amend the bill as a whole by renumbering sec. 5 as sec. 6 and adding a new section designated sec. 5, following sec. 4, to read as follows:

Sec. 5. Section 2 of Assembly Bill No. 35 of this session is hereby amended to read as follows:

Sec. 2. NRS 315.977 is hereby amended to read as follows:

315.977 1. The Nevada rural housing authority, consisting of five commissioners [appointed by the governor,] is hereby created . [within the department of business and industry.]

2. The [governor shall appoint:] *commissioners must be appointed as follows:*

(a) Two commissioners [who have experience in banking, real estate or homebuilding.] *must be appointed by the Nevada League of Cities.*

(b) Two commissioners [who are representatives of the general public.] *must be appointed by the Nevada Association of Counties.*

(c) One commissioner [who is] *must be appointed by the governor. This commissioner must be* a current recipient of assistance from the authority and [was] *must be* selected from a list of at least five eligible nominees submitted for this purpose by an organization which represents tenants of housing projects operated by the authority. If no such organization exists, the commissioner must be selected from a list of nominees submitted for this purpose from persons who currently receive assistance from the authority. If during his term the commissioner ceases to be a recipient of assistance, he must be replaced by a person who is a recipient of assistance.

3. [At least four of the commissioners must be residents of counties whose population is less than 100,000.

4.] *After the initial terms, the term of office of a commissioner is 4 years or until his successor takes office.*

4. A majority of the commissioners constitutes a quorum, and a vote of the majority is necessary to carry any question.

5. If either of the appointing entities listed in paragraphs (a) and (b) of subsection 2 ceases to exist, the appointments required by subsection 2 must be made by the successor in interest of that entity or, if there is no successor in interest, by the other appointing entity.".

Assemblyman Bache moved that the Assembly concur in the Senate amendment to Assembly Bill No. 204.

Remarks by Assemblyman Bache.

Motion carried.

Bill ordered enrolled.

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

Assembly in recess at 9:12 p.m.

ASSEMBLY IN SESSION

At 10:52 p.m.
Mr. Speaker presiding.
Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Commerce, to which was referred Senate Bill No. 361, has had the same under consideration, and begs leave to report the same back with the recommendation: Do pass.

LARRY SPITLER, *Chairman*

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Assembly Bill No. 210, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Senate be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 34, which is attached to and hereby made a part of this report.

MORSE ARBERRY, JR.	RAYMOND D. RAWSON
JOHN W. MARVEL	DEAN A. RHOADS
JOSEPH E. DINI, JR.	BOB COFFIN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 34.

Amend sec. 2, page 3, by deleting lines 14 through 17 and inserting:

"3. Part 3 must include a recommendation to the legislature for the drafting of a general appropriation bill authorizing, by departments, institutions and agencies, and by funds, all expenditures of the executive department of the state government for the next 2 fiscal years, and may include recommendations to the legislature for the drafting of such other bills as may be required to provide".

Amend sec. 6, page 6, line 37, by deleting "*a request*" and inserting "*recommendations*".

Amend sec. 6, page 6, line 39, by deleting "*requests*" and inserting "*recommendations*".

Amend sec. 6, page 6, by deleting lines 42 through 45 and inserting:

"*6.* During the consideration of the general appropriation bill and any special appropriation bills and bills authorizing budgeted expenditures by the departments, institutions and agencies operating on money designated for specific purposes by the constitution or otherwise, drafted at the request of the legislature upon the recommendations submitted by the governor".

Amend sec. 13, page 10, line 17, after "instruction" by inserting: "and the department of taxation".

Amend the bill as a whole by adding a new section designated sec. 15, following sec. 14, to read as follows:

"Sec. 15. 1. Sections 2 and 6 of this act become effective at 12:01 a.m. on October 1, 1995.

2. This act expires by limitation on July 1, 1997.".

Assemblyman Arberry moved that the Assembly adopt the report of the first Committee on Conference concerning Assembly Bill No. 210.

Remarks by Assemblyman Arberry.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 361.

Bill read third time.

Assemblyman Buckley moved that Senate Bill No. 361 be taken from the General File and placed on the Chief Clerk's desk.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate amended, and on this day passed, as amended, Assembly Bill No. 671, and respectfully requests your honorable body to concur in said amendment.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 525.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 204, 538.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators O'Connell, Neal and Washington as a first Committee on Conference concerning Senate Bill No. 341.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 579.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the second Committee on Conference concerning Senate Bill No. 171.

MARY JO MONGELLI
Assistant Secretary of the Senate

UNFINISHED BUSINESS

CONSIDERATION OF SENATE AMENDMENTS

Assembly Bill No. 671.

The following Senate amendment was read:

Amendment No. 1569.

Amend sec. 2, page 1, by deleting line 18 and inserting:

"Sec. 2. This act becomes effective on July 1, 1996.".

Assemblyman Price moved that the Assembly concur in the Senate amendment to Assembly Bill No. 671.

Remarks by Assemblyman Price.

Motion carried.

Bill ordered enrolled.

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

Assembly in recess at 11:05 p.m.

ASSEMBLY IN SESSION

At 11:20 p.m.

Mr. Speaker presiding.

Quorum present.

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Buckley moved that Senate Bill No. 361 be taken from the Chief Clerk's desk and placed on the General File.

Remarks by Assemblyman Buckley.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 361.

Bill read third time.

Remarks by Assemblymen Buckley, Segerblom, Manendo and Bache.

Conflict of interest declared by Assemblyman Carpenter.

Roll call on Senate Bill No. 361:

YEAS—35.

NAYS—Allard, Braunlin, Harrington, Marvel, Steel, Stroth—6.

Not voting—Carpenter.

Senate Bill No. 361 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 420.

Bill read third time.

The following amendment was proposed by the Committee on Elections and Procedures:

Amendment No. 1565.

Amend sec. 10, page 2, line 30, by deleting "*appearance:*" and inserting: "*appearance in an election other than a presidential preference primary election:*".

Amend sec. 11, page 3, by deleting lines 24 and 25 and inserting:

"*(a) The items:*

(1) Sorted and counted pursuant to subsection 3 of section 10 of this act; or

(2) Counted pursuant to subsection 2 of section 64.5 of this act;".

Amend sec. 13, page 3, line 34, after "inclusive," by inserting: ", [and] section 2 of [this act,] *Assembly Bill No. 695 of this session*".

Amend sec. 17, page 4, by deleting line 32 and inserting: "on an application to register to vote in the State of Nevada or in any other".

Amend sec. 25, pages 6 and 7, by deleting lines 21 through 48 on page 6 and lines 1 through 8 on page 7 and inserting:

"293.304 1. If a person is successfully challenged on the ground set forth in paragraph (c) of subsection 2 of NRS 293.303 or if a person refuses to provide an affirmation pursuant to NRS 293.525, the election board shall instruct the voter that he may vote only at the special polling place in the manner set forth in this section.

2. The county clerk of each county shall maintain a special polling place in his office and at such other locations as he deems necessary during each election. The ballots voted at the special polling place must be kept separate from the ballots of voters who have not been so challenged or who have provided an affirmation pursuant to NRS 293.525 in [a] *:*

(a) A special ballot box [for such ballots.] *if the ballots are paper ballots or ballots which are voted by punching a card; or*

(b) A special sealed container if the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically.

3. A person who votes at a special polling place may place his vote only for the following offices and questions:

(a) President and Vice President of the United States;

(b) United States Senator;

(c) All state officers for whom all voters in the state may vote;

(d) All officers for whom all voters in the county may vote; and

(e) Questions which have been submitted to all voters of the county or state.

4. The ballots voted at the special polling place must be [:

(a) Counted] *counted* when other ballots are counted [.

(b) Maintained] *and:*

(a) If the ballots are paper ballots or ballots which are voted by punching a card, maintained in a separate ballot box *; or*

(b) If the ballots are ballots which are voted on a mechanical recording device which directly records the votes electronically, maintained in a separate sealed container,

until any contest of election is resolved or the date for filing a contest of election has passed, whichever is later.".

Amend sec. 26, page 7, by deleting lines 10 through 22 and inserting:

"293.356 1. If a request is made to vote early by a registered voter in person, the county clerk shall issue a ballot for early voting to the voter. Such a ballot must be voted on the premises of the clerk's office and returned to the clerk. Except as otherwise provided in subsection 3, *if the ballot is a paper ballot or a ballot which is voted by punching a card,* the clerk shall follow the same procedure as in the case of absent ballots received by mail.

2. On the dates for early voting prescribed in NRS 293.3568, each county clerk shall provide a voting booth, with suitable equipment for voting, on the premises of his office for use by registered voters who are issued ballots for early voting in accordance with this section.

3. Upon the return to the county clerk of a ballot for early voting for the presidential preference primary election, the county clerk shall process the ballot in the manner prescribed in sections 46 to 55, inclusive, of [this act.] *Assembly Bill No. 695 of this session.*".

Amend sec. 27, page 7, line 24, by deleting "The" and inserting: "Except as otherwise provided in section 3 of [this act,] *Assembly Bill No. 695 of this session,* the".

Amend sec. 28, page 7, by deleting lines 37 through 39 and inserting:

"293.3568 1. The period for early voting by personal appearance begins the third Saturday preceding a general, primary or presidential preference primary election and extends through:

(a) The Friday before the day on which the general or primary election is held, Sundays *and holidays* excepted; or

(b) The second Monday preceding a presidential preference primary election, Sundays *and holidays* excepted.".

Amend sec. 29, page 8, line 8, by deleting "In" and inserting: "Except as otherwise provided in section 3 of [this act,] *Assembly Bill No. 695 of this session,* in".

Amend sec. 30, page 8, by deleting lines 22 and 23 and inserting: "application to register to vote or facsimile thereof, the card issued to the voter at the time of registration or some other piece of official identification.".

Amend sec. 30, page 8, line 30, by deleting "number;" and inserting: "number, unless the election is a presidential preference primary election;".

Amend sec. 30, page 8, line 32, by deleting: "found to be".

Amend sec. 30, page 8, by deleting line 39 and inserting: "the card,] *or voting district,* unless the election is a presidential preference primary election, and [mark] the form of ballot [on the bottom right-hand".

Amend sec. 34, page 10, by deleting lines 18 through 24 and inserting:

"293.3606 [1.] *For an election other than a presidential preference primary election:*

1. After 8 a.m. on election day, the appropriate board shall count in public the returns for early voting.

2. The returns for early voting must not be reported until after the polls have closed on election day.

3. The returns for early voting [for an election other than a presidential preference primary election must] *may* be reported separately from the regular votes of the precinct, unless reporting the returns separately would violate the secrecy of the voter's ballot.

[2.] *4.* The county clerk shall develop a procedure to ensure that each ballot is kept secret.

5. Any person who disseminates to the public information relating to the count of returns for early voting before the polls close is guilty of a gross misdemeanor.".

Amend sec. 39, page 12, line 48, by deleting: "affidavit of registration." and inserting: "application to register to vote.".

Amend sec. 40, page 13, lines 41 and 42, by deleting: "affidavit of registration" and inserting: "application to register to vote.".

Amend sec. 41, pages 13 and 14, by deleting lines 47 and 48 on page 13 and lines 1 through 12 on page 14 and inserting: "each of the newspapers circulated in different parts of the county or cause to be published once in a newspaper circulated in the county:

(a) An alphabetical listing of all registered voters, including the precinct of each voter:

(1) Within the circulation area of each newspaper if the listing is published in each newspaper circulated in different parts of the county; or

(2) Within the entire county if the listing is published in only one newspaper in the county; or

(b) A statement notifying the public that the county clerk will provide an alphabetical listing of the names of all registered voters in the entire county and the precinct of each voter free of charge to any person upon request.

2. [The] *If the* county clerk [shall comply with the requirements for publication:] *publishes the list of registered voters, he must do so:*

(a) Not less than 2 weeks before the close of registration for any primary election or presidential preference primary election.

(b) After each primary election and not less than 2 weeks before the close of registration for the ensuing general election.

3. The county may not pay more than 10 cents per name for six-point or seven-point type or 15 cents per name for eight-point type or larger to each newspaper publishing the list.

4. The list of registered voters, if published, must not be printed in type smaller than six-point.".

Amend the bill as a whole by deleting sec. 43 and inserting:

"Sec. 43. (Deleted by amendment.)".

Amend sec. 64, page 21, line 20, by deleting: "(or computer run)" and inserting: "or computer run".

Amend sec. 64, page 21, line 31, by deleting "primary;" and inserting: "primary election;".

Amend the bill as a whole by adding new sections designated sections 64.2 through 64.7, following sec. 64, to read as follows:

"Sec. 64.2. Chapter 298 of NRS is hereby amended by adding thereto the provisions set forth as sections 64.5 and 64.7 to read as follows:

Sec. 64.5. *If ballots which are voted on a mechanical recording device which directly records the votes electronically are used during the period for early voting by personal appearance in a presidential preference primary election:*

1. At the close of each voting day the county clerk shall:

(a) Prepare and sign a statement for the polling place. The statement must include:

(1) The title of the election;

(2) The number which identifies the mechanical recording device and the storage device required pursuant to section 48 of this act;

(3) The number of ballots voted on the mechanical recording device for that day;

(4) The number of signatures in the roster for early voting for that day; and

(5) The number of voting receipts retained pursuant to NRS 293.3585 for that day.

(b) Secure:

(1) The ballots pursuant to the plan for security required by NRS 293.3594; and

(2) Each mechanical voting device in the manner prescribed by the secretary of state pursuant to NRS 293.3594.

2. At the close of the last voting day, the county clerk shall:

(a) Count the number of ballots voted in the county;

(b) Account for all ballots on an official statement of ballots; and

(c) Place the items in the container provided to transport those items to the central counting place and seal the container with a numbered seal. The official statement of ballots must accompany the items to the central counting place.

Sec. 64.7. *Ballots which are voted on a mechanical recording device which directly records the votes electronically during the period for early voting by personal appearance for a presidential preference primary election must be processed in the manner prescribed in NRS 193B.350 to 293B.390, inclusive.*".

Amend the bill as a whole by adding new sections designated sections 69 through 72, following sec. 68, to read as follows:

"Sec. 69. Section 48 of Assembly Bill No. 695 of this session is hereby amended to read as follows:

Sec. 48. When the polls are closed, the county clerk shall prepare to count the ballots returned to him. The counting procedure must be public and continue without adjournment until completed. [The] *If the ballots are paper ballots or ballots which are voted by punching a card, the* county clerk shall prepare in the following manner:

1. The ballot box must be opened and the ballots contained therein counted by the county clerk and opened far enough to ascertain whether each ballot is single. If two or more ballots are found folded together to present the appearance of a single ballot, they must be laid aside until the count of the ballots is completed. If, on comparison of the count with the record books, the county clerk is of the opinion that the ballots folded together were voted by one person, the ballots must be rejected and placed in an envelope, upon which must be written the reason for their rejection. The envelope must be signed by the county clerk and placed in the ballot box after the count is completed.

2. If the ballots in the box are found to exceed the number of names on the record books, the ballots must be replaced in the box, and the county clerk with his back turned to the box, shall draw out a number of ballots equal to the excess. The excess ballots must be marked on the back thereof with the words "Excess ballots not counted." The ballots when so marked must be immediately sealed in an envelope.

3. When it has been determined that the record books and the number of ballots agree with the number of names of registered voters shown to have voted, the county clerk shall proceed to count. If there is a discrepancy between the number of ballots and the number of voters, a record of the discrepancy must be made.

Sec. 70. Section 52 of Assembly Bill No. 695 of this session is hereby amended to read as follows:

Sec. 52. *If paper ballots or ballots which are voted by punching a card are used:*

1. After the tally lists have been completed, the county clerk shall:

(a) File the voted ballots on a string, enclose and seal them in an envelope marked "Election returns, voted ballots."

(b) File the rejected ballots on a string, enclose and seal them in an envelope marked "Election returns, rejected ballots."

(c) Place one of the tally lists for regular ballots and one of the pollbooks in an envelope marked "Election returns" and seal the envelope.

2. The voted ballots, rejected ballots, tally lists for regular ballots, tally list for rejected ballots, challenge list, stubs of used ballots, spoiled ballots and ballots which were not mailed by the county clerk must be sealed under cover by the county clerk.

Sec. 71. Section 55 of Assembly Bill No. 695 is hereby amended to read as follows:

Sec. 55. 1. The voted ballots, rejected ballots, spoiled ballots, ballots which were not mailed by the county clerk, tally lists, pollbooks, challenge lists , *voting receipts, records printed on paper of voted ballots collected pursuant to section 49 of Senate Bill No. 420 of this session* and stubs of the ballots used, enclosed and sealed, must, after canvass of the votes by the board of county commissioners, be deposited in the vaults of the county clerk, and preserved for at least 22 months. All sealed materials must be destroyed immediately after the preservation period. A notice of the destruction must be published by the county clerk in at least one newspaper of general circulation in the county not less than 2 weeks before the destruction.

2. The pollbooks containing the signatures of those persons who voted in the election and the tally lists deposited with the board of county commissioners are subject to the inspection of any elector who wishes to examine them at any time after their deposit with the county clerk.

3. A contestant of an election may inspect all of the material regarding that election which is preserved pursuant to subsection 1, except the voted ballots.

4. The voted ballots deposited with the county clerk are not subject to the inspection of any person, except in cases of contested election, and then only by the judge, body or board before whom the election is being contested, or by the parties to the contest, jointly, pursuant to an order of that judge, body or board.

Sec. 72. Sections 13, 26 to 30, inclusive, 34, 41, 64, 69, 70 and 71 of this act become effective at 12:01 a.m. on October 1, 1995.".

Assemblyman Giunchigliani moved the adoption of the amendment.

Remarks by Assemblyman Giunchigliani.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2,1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day passed Assembly Bill No. 655.

Also, I have the honor to inform your honorable body that the Senate on this day respectfully refused to concur in the Assembly amendment to Senate Bill No. 210.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Townsend, O'Connell and Shaffer as a first Committee on Conference concerning Senate Bill No. 492.

Also, I have the honor to inform your honorable body that the Senate on this day appointed Senators Rawson, Rhoads and Mathews as a first Committee on Conference concerning Senate Bill No. 579.

MARY JO MONGELLI
Assistant Secretary of the Senate

MOTIONS, RESOLUTIONS AND NOTICES

Assemblyman Ernaut moved that Assembly Bill No. 422; Senate Bills Nos. 83, 435, 545 be taken from the Chief Clerk's desk and referred to the Committee on Ways and Means.

Motion carried.

Assemblyman Ernaut moved that Assembly Bill No. 58 be re-referred to the Committee on Labor and Management.

Motion carried.

UNFINISHED BUSINESS

REPORTS OF CONFERENCE COMMITTEES

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 299, consisting of the undersigned members, has met, and reports that:

It has agreed that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 31, which is attached to and hereby made a part of this report.

JOHN D. CARPENTER	MIKE MCGINNESS
BERNARD J. ANDERSON, JR.	MARK A. JAMES
DAVID E. HUMKE	JOHN B. REGAN
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 31.

Amend sec. 8, page 5, by deleting lines 11 and 12 and inserting: "*Community College System of Nevada;*

(f) Any other building owned or occupied by the Federal Government, the state or a local government; or

(g) Any other place in which the carrying of a concealed firearm is prohib-".

Amend sec. 13, page 6, by deleting line 34 and inserting:

"(2) Dirk, dagger or [dangerous knife;] *machete;*".

Amend sec. 13, page 7, by deleting lines 9 through 13 and inserting:

"(a) "Machine gun" means any weapon which shoots, is designed to shoot".

Amend sec. 13, page 7, line 16, by deleting "[(b)] *(c)*" and inserting "(b)".

Amend sec. 13, page 7, line 19, by deleting "[(c)] *(d)*" and inserting "(c)".

Amend sec. 13, page 7, line 23, by deleting "[(d)] *(e)*" and inserting "(d)".

Amend sec. 13, page 7, line 28, by deleting "[(e)] *(f)*" and inserting "(e)".

Amend the title of the bill to read as follows:

"An Act relating to dangerous weapons; requiring a sheriff to issue permits to carry concealed firearms to certain persons; revising the provisions prohibiting the carrying of certain concealed weapons; and providing other matters properly relating thereto.".

Amend the summary of the bill, first line, by deleting "persons." and inserting: "persons and revises provisions prohibiting carrying of certain concealed weapons.".

Assemblyman Carpenter moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 299.

Remarks by Assemblyman Carpenter.

Assemblyman Carpenter requested that his remarks be entered in the Journal.

Thank you, Mr. Speaker. I would like to clarify that it is not the intent of this legislation to abrogate the right of any private property owner or employer to prohibit concealed weapons on their property or in work places. Thank you, Mr. Speaker.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 341, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

It has agreed to recommend that the bill be further amended as set forth in Conference Amendment No. 35, which is attached to and hereby made a part of this report.

WENDELL P. WILLIAMS	ANN O'CONNELL
WILLIAM Z. HARRINGTON	JOSEPH M. NEAL, JR.
BARBARA E. BUCKLEY	MAURICE E. WASHINGTON
Assembly Committee on Conference	*Senate Committee on Conference*

Conference Amendment No. 35.

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

"Sec. 2. *1. Except as otherwise provided in this section, no public school in this state may administer or cause to be administered to a pupil any survey, analysis or evaluation that is not directly related to academic instruction which reveals the following information concerning the pupil or any person related to the pupil within the third degree of consanguinity or affinity, without the prior written consent of the pupil's parent or legal guardian with regard to that specific information:*

(a) Political affiliations or philosophies;

(b) Mental or psychological problems;

(c) Sexual behavior, orientation or attitudes;

(d) Behavior that is illegal, antisocial, self-incriminating or demeaning;

(e) Critical appraisals of family members;

(f) Religious affiliations or beliefs;

(g) Relationship with another person, if the relationship is protected under a privilege recognized pursuant to chapter 49 of NRS; or

(h) Income, except if required by law to determine eligibility to participate in a program offered by or at the school or to receive financial assistance under that program.

2. The consent of a pupil's parent or legal guardian is not required before such information is sought if an employee of a school district reasonably believes that he is required pursuant to chapter 432B of NRS to make a report concerning the pupil or that an emergency otherwise exists with regard to the pupil.

3. Written consent of a parent or legal guardian is valid only if the parent or guardian has, at least 2 weeks but not more than 5 months before the information is sought, been given written notice which contains information concerning:

(a) The provisions of subsection 1;

(b) The records or other information, including information concerning relationships, that may be examined or requested;

(c) The manner in which such records or information will be obtained;

(d) The manner in which such records or information will be examined or reviewed;

(e) The purposes for which such records or information are needed;

(f) The persons who will have access to any information that is revealed; and

(g) The method by which the parent or guardian can give valid consent pursuant to this section.

4. General consent of a parent or guardian, including consent used to approve admission to a program or activity, is not valid consent pursuant to this section.

5. If an employee of a school district reasonably believes that a serious threat to the well-being of a pupil exists, the parent or legal guardian of the pupil must be immediately notified of the circumstances which present the threat to the pupil, unless:

(a) The matter has been reported to a law enforcement agency or a legally authorized agency which provides protective services for children, and the agency has requested that the parent or legal guardian not be notified of the matter; or

(b) Disclosure of the information to the parent or legal guardian is prohibited by law.

6. The state board shall adopt regulations to carry out the provisions of this section, including, without limitation:

(a) Methods to ensure that a school obtains the consent of a parent or legal guardian required by this section; and

(b) Procedures for disciplinary action for willful violations of this section by a school or an employee of a school.

7. This section does not:

(a) Apply to the spontaneous and voluntary expression of sentiments or opinions by a pupil;

(b) Apply to the voluntary disclosure and discussion of information between a pupil and a licensed:

(1) School counselor; or

(2) Social worker at a school for pupils at risk of dropping out of school;

(c) Apply to the collection of information from a pupil with a disability, as that term is defined in NRS 388.440, for the purpose of assessing the pupil for placement in a special program for pupils with disabilities; or

(d) Affect or impair any investigation by a law enforcement agency or a legally authorized agency which provides protective services for children.

Sec. 3. *1. A school district shall, upon the request of a parent or legal guardian of a pupil, furnish to the parent or guardian copies of all records maintained by the school district which relate to the pupil.*

2. This section does not affect or impair any investigation by a law enforcement agency or a legally authorized agency which provides protective services for children.".

Assemblyman Williams moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 341.

Remarks by Assemblymen Williams and Bache.

Motion carried.

Mr. Speaker:

The first Committee on Conference concerning Senate Bill No. 492, consisting of the undersigned members, has met, and reports that:

It has agreed to recommend that the amendment of the Assembly be concurred in.

SANDRA J. TIFFANY	RANDOLPH J. TOWNSEND
MAUREEN E. BROWER	ANN O'CONNELL
MICHAEL A. SCHNEIDER	RAYMOND C. SHAFFER
Assembly Committee on Conference	*Senate Committee on Conference*

Assemblyman Tiffany moved that the Assembly adopt the report of the first Committee on Conference concerning Senate Bill No. 492.

Remarks by Assemblyman Tiffany.

Motion carried.

REMARKS FROM THE FLOOR

Assemblyman Ernaut requested that Assemblyman Carpenter's remarks be entered in the Journal.

Thank you, Mr. Speaker. I would like to read the following resolution for this body.

ASSEMBLY COWBOY RESOLUTION NO. 1

WHEREAS, The Gang of 42 plus Dora made up Nevada's Assembly in 1995.

WHEREAS, We all had quite a ride, which at times we felt like a buckin' bronc.

WHEREAS, The end is near and we are all hanging on, some on the horn, others on the rear.

NOW BE IT RESOLVED, By the Gang of 42 and Dora that: out of the "chute" we are most likely to remember:

DOUG sayin' that 458 "stinks."

MARCIA readin' them "funny poems."

DAVID HUMKE explainin', "Gee, wasn't that funny?"
BERNIE agreein', "It clearly is."
MARK exclaimin', "Ads for sale, see my bus, mention the Wayne Newton discount!"
THOMAS wantin' to know, "Committee, what committee, where is the committee?"
DENNIS ALLARD applaudin' the Clark County Fair with 500 little piglets and lots of little kids.
PATRICIA, loud and clear, "Pass this Bill."
MAUREEN, the Beauty with the hat.
DENNIS NOLAN, the big guy with the lil' "sis" bill.
SANDI KRENZER, smiling is her way.
BOB, "Well, off the top of my bald head, I was just thinking."
JOHN MARVEL, the expert money manager.
LARRY, "I'll read the right bill, and Iris, water them plants."
JAN MONAGHAN, "I just want to be clear on welfare."
SANDRA TIFFANY, "Physicians are good, shopping is better."
DEANNA, "My husband's a physician."
BRIAN, the new "Big Daddy."
CHRIS, "I'll just keep trying."
RICK, the kid in training, now a captain.
MOOSE, "The session was a pain in the knee."
WENDELL, The No. 1 urban cowboy.
JAN EVANS, "When I was an advocate . . ."
MIKE, "Dora, hush up, the gaming bills are here."
VIVIAN, "I hate that smoke."
TOM FETTIC, with his connections in the British Parliament, and tea with the Queen.
DAVID GOLDWATER, "I had the 'brest' bill of the session."
BARBARA, "I used to be a 'liberal'."
JACK, "Heaven is a trailer home in Florida."
JEANNINE, "Tax them 'babes,' they're exotic!"
ROY, "E.T. all the way!"
JOE, the speaker's SPEAKER, and "Onions are important."
SPEAKER LYNN, earned the title, and "Here take my hand."
PETE, "I wanna buy the best Brew Pub on public lands."
JOAN, "I just wanna be a cowgirl, please listen-up."
DIANNE, "The Constitution is important, and Dora was here first."
GENE, the Belle of Boulder City.
VONNE, " 'Fireworks' is my style."
BILL, "Pat Buchanan is my hero. Give me a voucher."
MAX, an Okie from a fur piece west of Muskogee.
GENIE, "Pardon me Mr. Chairman, I just wanted to second the bill."
JOHN C., "The Governor just vetoed my bill again" and "castration is important."
And DORA, the most outspoken and the most held.
Transfer a copy to all members of the gang of "43." *Sine Die* and Luck to all.

Assemblyman Ernaut moved that the Assembly adjourn until Monday, July 3, 1995 at 12:08 a.m.

Motion carried.

Assembly adjourned at 12:04 a.m.

Approved:

JOSEPH E. DINI, JR.
Speaker of the Assembly

LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

THE ONE HUNDRED AND SIXTY-NINTH DAY

CARSON CITY (Monday), July 3, 1995

Assembly called to order at 12:13 a.m.

Speaker Dini presiding.

Roll called.

All present.

Prayer by the Chaplain, Assemblyman William Z. Harrington.

Our Heavenly Father, we are thankful to be gathered here this morning to be able to finish the work of this legislative session. We ask Your continued guidance and wisdom that the final decisions we make might be in accordance to Thy will.

We ask Thee, at this time, to help us remember the good in each other that we might put aside any bitterness and any disagreements we have had; that the memories we carry from this legislative session might be sweet and grow sweeter with the passage of time.

We ask Thee to help us to be faithful to the promises that we made at the beginning of session and what we have signed to, so that we might continue to serve the people of this state as we promised to do.

As we campaign in the future, we ask that we might do so nobly and with integrity that we do those things which are in the best interest of the people of Nevada. We ask for those traveling this evening and the following days, that they might travel in safety and with Thy protection, and that they live according to Thy will.

We ask these things in the Name of the Judge of us all. AMEN.

Pledge of allegiance to the Flag.

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

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 420.

Bill read third time.

Remarks by Assemblyman Close.

Roll call on Senate Bill No. 420:

YEAS—41.

NAYS—None.

Absent—Price.

Senate Bill No. 420 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

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

Assembly in recess at 12:28 a.m.

ASSEMBLY IN SESSION

At 12:37 a.m.

Mr. Speaker presiding.

Quorum present.

UNFINISHED BUSINESS

RECEDE FROM ASSEMBLY AMENDMENTS

Assemblyman Arberry moved that the Assembly do not recede from its action on Senate Bill No. 210.

Remarks by Assemblyman Arberry.

Motion carried.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Concurrent Resolution No. 14.

MARY JO MONGELLI
Assistant Secretary of the Senate

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN HETTRICK:

Since we are getting close to closing down and waiting for the last things to come from the Senate, the first thing I would like to do is thank every one of you for all your hard work and efforts. It really has been hard work.

I just want to say that I've truly appreciated everything that everyone has done here. I want to say a particular thank you to the Republicans. I don't want this to sound partisan, because it isn't. I just want to tell you that I'm truly proud of this group.

I want to point out, that coming into this session, out of the 21 Republicans we had, only four had served more than one term; three had served only one term. Of those four, who had served more than one term, only two had ever chaired a committee. To come here with 14 freshmen, and do the work that the people did on both sides of the aisle, was truly hard work, but everyone did it. I truly want to tell you this is nonpartisan. I'm so proud of every one of you, and it's hard to find the words to express this. I am truly proud of the group that worked with me. I want to thank all of you.

Mr. Speaker Dini requested the privilege of the floor for the purpose of making the following remarks:

I would like to say a few words. I've been sputtering around here for a week or so. I believe that I need to thank my Democrats for staying together and working as hard as they did. Of course, we had more veterans here than the Republicans. The size of our delegation was slightly diminished in the last election. We had the realization, one morning in November, that it was tied.

I'm very proud of the fact that they were able to work together. There were some rocky spots, but on the other hand, this thing worked out well. I could see the team jelling together the last month; everybody getting more cohesive, trying to get solutions to the problems, getting out there and doing the job.

Again, I have to thank my front desk for the beautiful job they have done. I hope Mouryne enjoys her retirement maybe in some far, far away places; traveling around the world or whatever. But, I know that she deserves a good rest, as these sessions get tougher

and longer. She told me it was time to go. We don't want to see her go, though. I think we will make her a contract employee next session, and put her back to work doing something around here, keeping track of this end of the front desk.

It has been a pleasure, and I want to thank everybody for all the cooperation, on both sides of the aisle, and the front desk.

MOURYNE B. LANDING, *Chief Clerk of the Assembly:*

I do want to let you know what a great session I thought it was. I almost retired in December, but when I found out there was a tied house, I thought, "They wouldn't do this to me. They wouldn't let me retire before they had a history making session." I'm very glad I stayed. I think we were all concerned about it; about how the two of you would get along so evenly divided. I'm so pleased. I think you've done a great job. I'm proud of the freshmen, who not only had to learn the legislative process, but had to learn how to chair committees. I think you've done an outstanding job.

I want to thank the staff. We had more new staff than we've ever had before. They were put into a very difficult situation and they handled it beautifully. Carolyn, you've been with me a long time, and I appreciate all that you've done. Vicki, I think you've done an outstanding job; stepping into a job where we had the same supervisor for the secretarial staff for a long time. She was loved, and you're loved, too, Vicki. And like you said, "You can't stand in someone else's shoes, because you aren't that person." You have your own shoes to fill, and you are doing it well.

To my front desk, there isn't any better front desk than what I have. Donna, you're new, but you've done a great job. Linda and Cindy, you've been with me several years. Carol, I can't say enough about Carol, as she's been my right hand ever since I became Chief Clerk.

I want to say thank you. I love each one of you. It's going to be very difficult to see you start up a session without me, but I know that the state's going to go on whether I'm here or not.

You've been exceptionally nice to me this session. The legislature has been one of the greatest things I've had in my life. Thank you and goodbye.

MESSAGES FROM THE SENATE

SENATE CHAMBER, Carson City, July 2, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 47.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Assembly Bill No. 210.

Also, I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 546, 581.

MARY JO MONGELLI
Assistant Secretary of the Senate

SENATE CHAMBER, Carson City, July 3, 1995

To the Honorable the Assembly:

I have the honor to inform your honorable body that the Senate on this day concurred in the Assembly amendments to Senate Bills Nos. 210, 420.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 299.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 341.

Also, I have the honor to inform your honorable body that the Senate on this day adopted the report of the first Committee on Conference concerning Senate Bill No. 492.

MARY JO MONGELLI
Assistant Secretary of the Senate

REMARKS FROM THE FLOOR

Assemblyman Perkins requested that the following remarks be entered in the Journal.

ASSEMBLYMAN PERKINS:

Thank you, Mr. Speaker. Mr. Speaker, we made it! I would like to personally thank everyone in this house for the hard work they put into this session. I know it was difficult at times to think that we would make it this far, but everyone here can be very proud of this historic session.

It is a historic session for several reasons. We passed a historic crime package; the most wide-sweeping crime package the legislature in this state has ever passed. It was a historic 21-21 tie, and we made it work despite of what was predicted when the session first started.

We made it work for a lot of different reasons. We had Co-Chairman of widely different political philosophies who made their committees work, generally, with a minimum of grandeur. All of our committee chairmen should be commended, Mr. Speaker. We had experienced legislators who were willing to help the freshmen, and we had a lot of freshmen this session.

We had great cooperation between our two Speakers. There is no way we could have gotten through this without their leadership. The person I want to thank the most, however, Mr. Speaker, is the Republican Floor Leader.

We had a conversation at the legislative watering hole about three hours ago, and found it ironic that last session, Republicans spoke only five or six words to each other. We didn't know each other. This session we became very good friends. We've worked very well together. There is no one in this body whom I truly respect more than the Republican Floor Leader.

I would like to thank, as well, this legislative family. I think everyone has come to understand what a legislative family is now. I would like to thank their families back home, who actually had to sacrifice for us. They are the ones who made the real sacrifices.

I know that my wife was a single mother for six months, and she had to deal with all the responsibilities of carrying on the household. I know that each and every one of you have a similar story.

Sometime, about May, Mr. Speaker, I remember going home, walking into my home and feeling like I didn't belong. It was very difficult. After being away for so long, I felt alien to my own home. It's very difficult and I know everyone here has a similar story.

It was difficult not being a part of my children's development over the last six months; having to find out over the telephone the score of a T-ball game or how proud they were of their accomplishments in school; how proud they were to be honored in school or whether they participated in a program that I wasn't able to attend. They were just so proud of their accomplishments. It's very difficult not to be there.

I'm here to tell you that each and every one of you should go home and appreciate what you have. It was just short of two years ago when I went home and found out my son had a very serious illness. It really, really prioritized my life. This is not as important as your families are. I hope we always believe that.

I would like to close, again, by thanking everyone in this body for their hard work. Everyone can be proud of the accomplishments we have made this session and for the work that we have done for the people of the State of Nevada. Thank you, Mr. Speaker.

ASSEMBLYMAN ERNAUT:

Thank you, Mr. Speaker. First of all, I would like to thank my colleague from Henderson. I could not have done anything this session without him.

We made an agreement at the beginning of session that we would always be up front, honest and we would support each other. He is a stand-up man. He keeps his word. There are no two finer compliments that you can say about Rich Perkins. He keeps his word and always has.

Mr. Speaker, they said this couldn't be done. They said it wouldn't last. They said the 68th Session of the Nevada Assembly would degenerate into a partisan bloodbath. It was doomed to terrible failure. I'm here to tell you, they were wrong. We have not only succeeded, but we have prevailed!

Due to each and every one of you, a focus, a collective and inclusive effort produced major public policy statements in workers' compensation and complete reformation of the Nevada criminal code. All of us introduced new legislation that produced no new taxes, repealed some and provided more exemptions than any session in history.

We funded education to the highest degree in our history. We loosened owner regulations; provided major steps in water law, tax distribution and economic development. From the "E.T." highway to Ponderosa County, we endured. We can drive 75 m.p.h. with a concealed weapon while touring Mustang Ranch and through all that we stayed together. We stayed responsible and always did what was right for the State of Nevada.

The 68th Session of the Nevada Legislature was unique and historic from beginning to end. We had Co-Speakers, Co-Floor Leaders, Co-Chairmen, but most of all, we had cooperation. You all played a vital role, and for that you should be proud. To the Co-Speakers and to my colleague, I thank you.

To all the Republicans, I really want to tell you thank you for letting "Fat Moe Basco" be your Floor Leader. It is an honor that you will never know. To my colleagues, I raise a toast to the 68th Session that the Nevada Assembly will leave you with an indelible mark; a lasting memory to be passed on throughout the ages. The memory that you participated in the greatest example of bi-party cooperation and responsible co-party making in the history of the State of Nevada.

Simply, the 68th Session will go down as the best Assembly session in our history. Don't take lightly what you have accomplished here today; what you have accomplished over the last six months. Tell the taxpayers, tell your constituents, tell all Nevada; we did it and we did it right!

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Speaker appointed Assemblymen Buckley, Braunlin, Goldwater and Sandoval as a committee to wait upon His Excellency, Bob Miller, Governor of the State of Nevada, and to inform him that the Assembly is ready to adjourn *sine die.*

Mr. Speaker appointed Assemblymen Lambert, Ohrenschall, Close and Neighbors as a committee to wait upon the Senate and to inform that honorable body that the Assembly is ready to adjourn *sine die.*

A committee from the Senate, consisting of Senators O'Donnell, McGinness and Regan, appeared before the bar of the Assembly and announced that the Senate is ready to adjourn *sine die.*

Assemblyman Buckley reported that her committee had informed the Governor that the Assembly is ready to adjourn *sine die.*

Assemblyman Lambert reported that her committee had informed the Senate that the Assembly is ready to adjourn *sine die.*

Assemblymen Perkins and Ernaut moved that the Sixty-Eighth Session of the Assembly of the Legislature of the State of Nevada adjourn *sine die.*

Motion carried.

Assembly adjourned at 1:20 a.m.

Approved: JOSEPH E. DINI, JR.
Speaker of the Assembly
LYNN C. HETTRICK
Speaker of the Assembly

Attest: MOURYNE B. LANDING
Chief Clerk of the Assembly

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155, 115; A.B. 157, 115; A.B. 174, 123; A.B. 175, 123; A.B. 176, 124; A.B. 177, 124; A.B. 193, 130; A.B. 195, 131; A.B. 203, 137; A.B. 256, 155; A.B. 257, 156; A.B. 258, 169; A.B. 260, 169; A.B. 262, 180; A.B. 273, 186; A.B. 275, 190; A.B. 279, 196; A.B. 281, 196; A.B. 283, 197; A.B. 284, 197; A.B. 285, 202; A.B. 286, 202; A.B. 303, 224; A.B. 304, 224; A.B. 305, 225; A.B. 310, 228; A.B. 314, 229; A.B. 321, 235; A.B. 322, 235; A.B. 323, 236; A.B. 326, 240; A.B. 328, 240; A.B. 339, 255; A.B. 352, 266; A.B. 353, 267; A.B. 372, 283; A.B. 374, 286; A.B. 376, 286; A.B. 378, 287; A.B. 393, 295; A.B. 396, 310; A.B. 399, 313; A.B. 405, 322; A.B. 410, 323; A.B. 411, 323; A.B. 412, 323; A.B. 424, 333; A.B. 425, 339; A.B. 427, 343; A.B. 433, 409; A.B. 444, 411; A.B. 452, 428; A.B. 459, 433; A.B. 460, 433; A.B. 462, 434; A.B. 468, 453; A.B. 483, 456; A.B. 484, 456; A.B. 495, 496; A.B. 497, 503; A.B. 502, 511; A.B. 505, 512; A.B. 506, 520; A.B. 510, 538; A.B. 517, 548; A.B. 518, 550; A.B. 525, 556; A.B. 530, 562; A.B. 532, 563; A.B. 533, 570; A.B. 550, 622; A.B. 551, 623; A.B. 554, 634; A.B. 557, 635; A.B. 566, 670; A.B. 583, 691; A.B. 584, 692; A.B. 599, 730; A.B. 606, 753; A.B. 625, 774; A.B. 634, 810; A.B. 635, 811; A.B. 636, 815; A.B. 640, 819; A.B. 647, 829; A.B. 648, 833; A.B. 649, 833; A.B. 654, 843; A.B. 679, 937; A.B. 694, 1033.
Committee Appointments—
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Standing—
Government Affairs (co-chairman), 72.
Labor and Management, 72.
Natural Resources, Agriculture, and Mining, 72.
Conflict of Interest re A.B. 290, 1449; A.B. 296, 626.
Moves—
Adoption of amendment(s) to A.B. 44, 528; A.B. 46, 939; A.B. 47, 714; A.B. 48, 425; A.B. 49, 426; A.B. 50, 426; A.B. 120, 1041; A.B. 144, 1502; A.B. 146, 198; A.B. 163, 288; A.B. 198, 1045; A.B. 267, 623; A.B. 345, 1201; A.B. 379, 767; A.B. 398, 868; A.B. 428, 996; A.B. 455, 768; A.B. 459, 822; A.B. 466, 1358; A.B. 498, 1122; A.B. 537, 1105; A.B. 542, 1150; A.B. 552, 1492; A.B. 555, 832; A.B. 559, 1590; A.B. 658, 1118; A.B. 669, 1293; A.J.R. 26, 760; 407, 758; S.B. 57, 1599; S.B. 388, 1989; S.B. 456, 1524; S.B. 458, 1603, 1604.
Concur in Senate amendment(s) to A.B. 14, 484; A.B. 35, 1572; A.B. 50, 1908; A.B. 52, 1705; A.B. 145, 485; A.B. 171, 2013; A.B. 204, 2163; A.B. 428, 2126; A.B. 435, 1614; A.B. 525, 2014; A.B. 532, 2103; A.B. 597, 2016.
Do not concur in Senate amendment(s) to A.B. 47, 2013; A.B. 525, 2014.
Do not recede from action on S.B. 539, 1480; S.J.R. 12, 980.
Previous question re A.B. 134, 835; A.B. 147, 968; A.B. 259, 913, 953; A.B. 290, 1453; A.B. 299, 1053; A.B. 345, 1283; A.B. 410, 870; A.B. 413, 1488; A.B. 695, 1788; A.C.R. 13, 799, 801; A.R. 8, 381; S.B. 231, 2137; S.B. 317, 735; S.B. 458, 1657.
Suspend Rules—
Declare an emergency measure, S.B. 304, 384; S.B. 305, 384.

BACHE, DOUGLAS A. (DOUG)—*Continued*
Potential Conflict of Interest re A.B. 224, 1919; A.B. 225, 1189; A.B. 500, 770; A.B. 586, 963; A.B. 737, 1880; A.J.R. 19 of the 67th Session, 208.
Remarks from the floor re A.J.R. 26, 812; A.R. 16, 2034; S.B. 458, 1977, 1978.
Resolutions introduced by, A.J.R. 14, 64; A.J.R. 16, 75; A.J.R. 21, 168; A.J.R. 22, 180; A.J.R. 23, 193; A.J.R. 30, 503; A.J.R. 31, 517; A.J.R. 32, 560; A.J.R. 33, 617; A.J.R. 43, 1326; A.C.R. 1, 65; A.C.R. 12, 195; A.C.R. 15, 244; A.C.R. 20, 415; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 33, 727; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 48, 1550; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 14, 1484; A.R. 15, 1935.
Roll call vote requested on motion re A.B. 105, 725; A.B. 134, 835; A.B. 147, 968; A.B. 198, 1224; A.B. 259, 919; A.B. 438, 1286; A.R. 8, 380; S.B. 87, 628.

BATTEN, THOMAS, Assemblyman from Washoe County, No. 31 District—
Absences, excused, 390, 957.
Bills introduced by, A.B. 76, 47; A.B. 80, 67; A.B. 105, 82; A.B. 107, 83; A.B. 109, 86; A.B. 115, 90; A.B. 125, 101; A.B. 151, 111; A.B. 152, 112; A.B. 153, 112; A.B. 154, 115; A.B. 195, 131; A.B. 201, 137; A.B. 256, 155; A.B. 258, 169; A.B. 273, 186; A.B. 274, 186; A.B. 276, 191; A.B. 279, 196; A.B. 282, 197; A.B. 285, 202; A.B. 286, 202; A.B. 290, 209; A.B. 291, 210; A.B. 304, 224; A.B. 305, 225; A.B. 310, 228; A.B. 312, 229; A.B. 326, 240; A.B. 328, 240; A.B. 352, 266; A.B. 353, 267; A.B. 372, 283; A.B. 374, 286; A.B. 385, 293; A.B. 393, 295; A.B. 395, 310; A.B. 396, 310; A.B. 405, 322; A.B. 425, 339; A.B. 427, 343; A.B. 443, 409; A.B. 444, 411; A.B. 452, 428; A.B. 462, 434; A.B. 468, 453; A.B. 484, 456; A.B. 495, 496; A.B. 505, 512; A.B. 513, 539; A.B. 517, 548; A.B. 518, 550; A.B. 530, 562; A.B. 565, 670; A.B. 599, 730; A.B. 606, 753; A.B. 611, 754; A.B. 647, 829; A.B. 648, 833; A.B. 649, 833; A.B. 654, 843; A.B. 679, 937; A.B. 694, 1033; A.B. 733, 1587; A.J.R. 509, 525.
Committee Appointments—
Conference re S.B. 87, 713.
Escort, Secretary of State, 5.
Standing—
Economic Development and Tourism, 72.
Education, 72.
Judiciary, 72.
Transportation (co-chairman), 72.
Moves—
Adoption of amendment(s) to A.B. 425, 1014; S.B. 231, 1923; S.B. 401, 1645; S.B. 443, 1703.
Adoption of resolution(s), A.C.R. 31, 856.
Committee of the Whole, resolve into A.R. 9, 787.
Committee of the Whole, rise A.R. 9, 787.
Rescind action on S.B. 498, 1863.
Special Order of Business re A.R. 9, 710.
Resolutions introduced by, A.J.R. 16, 75; A.J.R. 24, 265; A.J.R. 30, 503; A.J.R. 32, 560; A.J.R. 43, 1326; A.C.R. 15, 244; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30,

BATTEN, THOMAS—*Continued*
Resolutions introduced by—*Continued*
642; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 8, 330; A.R. 9, 710; A.R. 14, 1484; A.R. 15, 1935.
Roll call vote requested on motion re S.B. 401, 1646.
Withdraws motion re A.B. 565, 1690.

BENNETT, MAX J., Assemblyman from Clark County, No. 14 District—
Bills introduced by, A.B. 76, 47; A.B. 105, 82; A.B. 115, 90; A.B. 125, 101; A.B. 151, 111; A.B. 152, 112; A.B. 154, 115; A.B. 155, 115; A.B. 156, 115; A.B. 174, 123; A.B. 195, 131; A.B. 201, 137; A.B. 202, 137; A.B. 216, 148; A.B. 256, 155; A.B. 273, 186; A.B. 274, 186; A.B. 279, 196; A.B. 281, 196; A.B. 286, 202; A.B. 307, 225; A.B. 310, 228; A.B. 312, 229; A.B. 328, 240; A.B. 340, 260; A.B. 352, 266; A.B. 353, 267; A.B. 372, 283; A.B. 374, 286; A.B. 385, 293; A.B. 393, 295; A.B. 396, 310; A.B. 405, 322; A.B. 406, 322; A.B. 425, 339; A.B. 443, 409; A.B. 444, 411; A.B. 452, 428; A.B. 457, 432; A.B. 458, 432; A.B. 460, 433; A.B. 469, 453; A.B. 490, 468; A.B. 492, 482; A.B. 495, 496; A.B. 502, 511; A.B. 503, 511; A.B. 505, 512; A.B. 517, 548; A.B. 518, 550; A.B. 523, 556; A.B. 524, 556; A.B. 528, 561; A.B. 530, 562; A.B. 532, 563; A.B. 537, 585; A.B. 538, 585; A.B. 554, 634; A.B. 557, 635; A.B. 583, 691; A.B. 611, 754; A.B. 647, 829; A.B. 654, 843; A.B. 664, 878; A.B. 679, 937; A.B. 684, 1000; A.B. 694, 1033.
Committee Appointments—
Conference re S.B. 87, 1838; S.J.R. 12, 980.
Standing—
Education, 72.
Government Affairs, 72.
Natural Resources, Agriculture and Mining (co-vice chairman), 72.
Conflict of Interest re S.B. 63, 871, 1663.
Moves—
Adoption of amendment(s) to A.B. 287, 1276; A.B. 368, 849; A.B. 554, 863; A.J.R. 12, 547; S.B. 96, 1853; S.J.R. 12, 867.
Previous question re A.B. 134, 835; A.B. 288, 1829; A.B. 498, 1122; A.B. 552, 1492; A.R. 8, 381; S.B. 579, 1998; S.J.R. 3, 1066.
Suspend Rules—
Declare an emergency measure, A.J.R. 32, 560.
Potential Conflict of Interest re A.J.R. 26, 812.
Remarks from the floor re A.B. 290, 1450; A.B. 517, 1372; A.R. 16, 2035.
Resolutions introduced by, A.J.R. 11, 20; A.J.R. 12, 21; A.J.R. 16, 75; A.J.R. 27, 390; A.J.R. 28, 396; A.J.R. 30, 503; A.J.R. 31, 517; A.J.R. 32, 560; A.J.R. 43, 1326; A.C.R. 13, 228; A.C.R. 15, 244; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 33, 727; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 8, 330; A.R. 14, 1484; A.R. 15, 1935.

BRAUNLIN, DEANNA, Assemblyman from Clark County, No. 4 District—
Absences, excused, 193, 201, 207.
Bills introduced by, A.B. 76, 47; A.B. 80, 67; A.B. 108, 86; A.B. 109, 86; A.B. 110, 86; A.B. 115, 90; A.B. 125, 102; A.B. 151, 111; A.B. 174,

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Committee Appointments—
Escort, Chief Justice Steffen, 4.
Special, inform Governor Assembly ready to adjourn *sine die*, 2182.
Standing—
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Conflict of Interest re A.C.R. 22, 707.
Moves—
Adoption of amendment(s) to A.B. 381, 972; A.B. 446, 973; S.B. 539, 1239.
Adoption of resolution(s), A.C.R. 49, 1941.
Potential Conflict of Interest re A.B. 152, 1118, 1191; A.B. 520, 1634; A.B. 584, 1191; S.B. 458, 1604; S.B. 531, 1923; S.B. 557, 1962.
Remarks from the floor re A.R. 16, 2035; S.C.R. 49, 1135.
Resolutions introduced by, A.J.R. 30, 503; A.J.R. 31, 517; A.J.R. 32, 560; A.J.R. 43, 1326; A.C.R. 15, 244; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 33, 727; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 48, 1550; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 8, 330; A.R. 14, 1484; A.R. 15, 1935; A.R. 17, 2046.

BROWER, MAUREEN ELIZABETH, Assemblyman from Clark County, No. 3 District—
Bills introduced by, A.B. 76, 47; A.B. 107, 83; A.B. 115, 90; A.B. 153, 112; A.B. 154, 115; A.B. 194, 131; A.B. 195, 131; A.B. 256, 155; A.B. 258, 169; A.B. 259, 169; A.B. 273, 186; A.B. 274, 186; A.B. 276, 191; A.B. 279, 196; A.B. 281, 196; A.B. 286, 202; A.B. 289, 209; A.B. 290, 209; A.B. 291, 210; A.B. 303, 224; A.B. 310, 228; A.B. 314, 229; A.B. 328, 240; A.B. 352, 266; A.B. 353, 267; A.B. 372, 283; A.B. 373, 286; A.B. 374, 286; A.B. 393, 295; A.B. 396, 310; A.B. 405, 322; A.B. 425, 339; A.B. 427, 343; A.B. 444, 411; A.B. 452, 428; A.B. 495, 496; A.B. 503, 511; A.B. 505, 512; A.B. 517, 548; A.B. 518, 550; A.B. 530, 562; A.B. 531, 562; A.B. 533, 570; A.B. 539, 601; A.B. 540, 601; A.B. 584, 692; A.B. 606, 753; A.B. 611, 754; A.B. 625, 774; A.B. 634, 810; A.B. 635, 811; A.B. 636, 815; A.B. 647, 829; A.B. 694, 1033.
Committee Appointments—
Conference re A.B. 192, 1570; S.B. 193, 1860; S.B. 272, 1239; S.B. 344, 1979; S.B. 492, 2156; S.B. 526, 2016.

BROWER, MAUREEN ELIZABETH—*Continued*
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Special, inform Senate Assembly organized, 7.
Standing—
Commerce (co-vice chairman), 72.
Economic Development and Tourism (co-vice chairman), 72.
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Ways and Means, 72.
Moves—
Adopt report of conference committee re S.B. 193, 1947.
Adoption of amendment(s) to A.B. 438, 1286; S.B. 193, 1525; S.B. 422, 1521.
Potential Conflict of Interest re A.B. 722, 1544.
Remarks from the floor re A.C.R. 52, 1934; A.R. 16, 2034; A.R. 17, 2047.
Resolutions introduced by, A.J.R. 22, 180; A.J.R. 30, 503; A.J.R. 32, 560; A.J.R. 33, 617; A.J.R. 43, 1326; A.C.R. 15, 244; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 8, 330; A.R. 14, 1484; A.R. 15, 1935; A.R. 17, 2046.
BRYAN, RICHARD H., U.S. SENATOR—
Escort appointed for, 173.
Message, 174.
Request to address Joint Session, 145.
Vote of thanks extended to, 180.

BUCKLEY, BARBARA E., Assemblyman from Clark County, No. 8 District—
Bills introduced by, A.B. 80, 67; A.B. 105, 82; A.B. 107, 83; A.B. 108, 86; A.B. 109, 86; A.B. 110, 86; A.B. 115, 90; A.B. 116, 90; A.B. 125, 102; A.B. 152, 112; A.B. 153, 112; A.B. 157, 115; A.B. 174, 123; A.B. 175, 123; A.B. 176, 124; A.B. 177, 124; A.B. 195, 131; A.B. 201, 137; A.B. 203, 137; A.B. 204, 138; A.B. 256, 155; A.B. 258, 169; A.B. 262, 180; A.B. 273, 186; A.B. 276, 191; A.B. 284, 197; A.B. 285, 202; A.B. 289, 209; A.B. 302, 224; A.B. 303, 224; A.B. 304, 224; A.B. 310, 228; A.B. 312, 229; A.B. 321, 235; A.B. 322, 235; A.B. 323, 236; A.B. 326, 240; A.B. 328, 240; A.B. 339, 255; A.B. 352, 266; A.B. 361, 268; A.B. 371, 281; A.B. 372, 283; A.B. 374, 286; A.B. 377, 287; A.B. 378, 287; A.B. 393, 295; A.B. 396, 310; A.B. 399, 313; A.B. 410, 323; A.B. 411, 323; A.B. 412, 323; A.B. 424, 333; A.B. 425, 339; A.B. 427, 343; A.B. 444, 411; A.B. 452, 428; A.B. 460, 433; A.B. 462, 434; A.B. 468, 453; A.B. 469, 453; A.B. 483, 456; A.B. 484, 456; A.B. 495, 496; A.B. 502, 511; A.B. 505, 512; A.B. 506, 520; A.B. 517, 548; A.B. 518, 550; A.B. 528, 561; A.B. 530, 562; A.B. 532, 563; A.B. 533, 570; A.B. 539, 601; A.B. 540, 601; A.B. 551, 623; A.B. 554, 634; A.B. 557, 635; A.B. 566, 670; A.B. 583, 691; A.B. 599, 730; A.B. 606, 753; A.B. 625, 774; A.B. 634, 810; A.B. 635, 811; A.B. 636, 815; A.B. 647, 829; A.B. 649, 833; A.B. 654, 843; A.B. 679, 937; A.B. 682, 961; A.B. 694, 1033; A.B. 718, 1164; A.B. 733, 1587.
Committee Appointments—
Conference re A.B. 132, 2088; A.B. 192, 1570; A.B. 367, 1838; A.B. 594, 1697; S.B. 41, 838; S.B. 171, 2112; S.B. 341, 2154.

BUCKLEY, BARBARA E.—*Continued*
Committee Appointments—*Continued*
Escort, U.S. Senator Richard Bryan, 173.
Select Committee on Credentials, 9.
Special, inform Governor Assembly ready to adjourn *sine die*, 2182.
Standing—
Commerce, 72.
Health and Human Services, 72.
Judiciary (co-vice chairman), 72.
Temporary—
Committee on Credentials, 3.
Conflict of Interest re A.B. 134, 649, 834.
Moves—
Adopt report of conference committee re A.B. 132, 2104.
Adoption of amendment(s) to A.B. 87, 296; A.B. 92, 296; A.B. 110, 297; A.B. 125, 297; A.B. 132, 1337; A.B. 186, 299; A.B. 299, 1052; A.B. 367, 758; A.B. 444, 1145; A.B. 473, 1146; A.B. 483, 1201; A.B. 484, 1215; A.B. 504, 1020, 1461; A.B. 506, 1148; A.B. 532, 1102; A.B. 545, 1603; A.B. 592, 1866; A.B. 625, 1020; A.B. 632, 1564; S.B. 505, 1704; S.B. 538, 2142.
Previous question re A.J.R. 15, 234.
Potential Conflict of Interest re A.B. 134, 852; A.B. 152, 1118, 1191.
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C

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Committee Appointments—
Conference re A.B. 92, 1880; A.B. 160, 1323; A.B. 185, 1525; A.B. 307, 1697; S.B. 41, 638; S.B. 171, 2019; S.B. 299, 2146.
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Committee Appointments—
Conference re A.B. 105, 1280; A.B. 187, 1880; S.B. 65, 632; S.B. 87, 713; S.B. 149, 1075.
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Adoption of amendment(s) to A.B. 187, 532; A.B. 289, 756; A.B. 336, 756; A.B. 397, 992; A.B. 413, 1013, 1322; A.B. 421, 830; A.B. 447, 1750; A.B. 452, 758; A.B. 461, 759, 1039; A.B. 462, 1358; A.B. 486, 863; A.B. 558, 1476; A.B. 589, 1313; A.B. 641, 1183; A.B. 679, 1597; A.B. 694, 1868; A.B. 707, 1773; 352, 567; S.B. 65, 463; S.B. 66, 463; S.B. 186, 867; S.B. 188, 848; S.B. 189, 948; S.B. 322, 1952, 2092; S.B. 332, 1402; S.B. 441, 1989; S.B. 442, 1990.
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Do not concur in Senate amendment(s) to A.B. 187, 1775; A.C.R. 31, 1671.
Do not recede from action on S.B. 65, 631; S.B. 189, 1240.

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Moves—*Continued*
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Resolutions introduced by, A.J.R. 14, 64; A.J.R. 21, 168; A.J.R. 27, 390; A.J.R. 30, 503; A.J.R. 31, 517; A.J.R. 32, 560; A.J.R. 33, 617; A.J.R. 43, 1326; A.C.R. 1, 65; A.C.R. 15, 244; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 33, 727; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 48, 1550; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 14, 1484; A.R. 15, 1935; A.R. 17, 2046.

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Adoption of amendment(s) to A.B. 79, 173; A.B. 279, 991; A.B. 526, 1311; A.B. 528, 1127, 1287; A.B. 619, 1316; A.B. 695, 1426; A.J.R. 21, 410; A.J.R. 27, 892; S.B. 146, 250; S.B. 420, 1903, 2075; S.B. 446, 1575; A.C.R 7, 234.

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Moves—*Continued*
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Concur in Senate amendment(s) to A.C.R. 7, 1832.
Do not concur in Senate amendment(s) to A.B. 279, 1718; A.B. 538, 2135; A.C.R. 33, 2134; A.C.R. 38, 2134; A.C.R. 49, 2134.
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Suspend Rules—
Declare an emergency measure, A.J.R. 43, 1448; S.B. 312,479,570,573, 1941.
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Resolutions introduced by, A.J.R. 14, 64; A.J.R. 27, 390; A.J.R. 30, 503; A.J.R. 31, 517; A.J.R. 32, 560; A.J.R. 33, 617; A.J.R. 43, 1326; A.C.R. 1, 65; A.C.R. 15, 244; A.C.R. 19, 415; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 33, 727; A.C.R. 34, 776; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 8, 330; A.R. 14, 1484; A.R. 15, 1935.
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Constitutional Officers, 38.
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Cotton, George, 789.
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Dazey, Mary Lee, 353.
Del Papa, Frankie Sue, 345.
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Resolutions introduced by, A.J.R. 16, 75; A.J.R. 21, 168; A.J.R. 22, 180; A.J.R. 30, 503; A.J.R. 32, 560; A.J.R. 33, 617; A.J.R. 43, 1326; A.C.R. 1, 65; A.C.R. 15, 244; A.C.R. 19, 415; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 48, 1550; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 14, 1484; A.R. 15, 1935.
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FLOOR LEADER—*See Perkins, Richard.*

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KRENZER, SAUNDRA (SANDI), Assemblyman from Clark County, No. 9 District—
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Suspend Rules—
Transmit immediately to the Senate, A.C.R. 25, 579; A.C.R. 50, 1780.
Potential Conflict of Interest re A.B. 584, 1191; A.B. 587, 1491; S.B. 491, 1951; S.B. 505, 1733; S.B. 572, 1856.

KRENZER, SAUNDRA (SANDI)—*Continued*
Remarks from the floor re A.C.R. 25, 577; A.C.R. 27, 605; A.C.R. 50, 1780; A.R. 8, 356, 377; A.R. 9, 798; A.R. 16, 2035; S.B. 122, 141; S.B. 458, 1976, 1977; S.C.R. 27, 583.
Resolutions introduced by, A.J.R. 14, 64; A.J.R. 16, 75; A.J.R. 21, 168; A.J.R. 22, 180; A.J.R. 30, 503; A.J.R. 31, 517; A.J.R. 32, 560; A.J.R. 43, 1326; A.C.R. 1, 65; A.C.R. 15, 244; A.C.R. 20, 415; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 48, 1550; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 14, 1484; A.R. 15, 1935; A.R. 17, 2046.
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LABOR AND MANAGEMENT, COMMITTEE ON—
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Members, appointment, 72.

LAMBERT, JOAN A., Assemblyman from Washoe County, No. 29 District—
Absences, excused, 211, 218.
Bills introduced by, A.B. 76, 47; A.B. 99, 72; A.B. 107, 83; A.B. 108, 86; A.B. 109, 86; A.B. 110, 86; A.B. 115, 90; A.B. 125, 101; A.B. 153, 112; A.B. 174, 123; A.B. 175, 123; A.B. 176, 124; A.B. 177, 124; A.B. 195, 131; A.B. 202, 137; A.B. 211, 147; A.B. 256, 155; A.B. 273, 186; A.B. 274, 186; A.B. 276, 191; A.B. 279, 196; A.B. 281, 196; A.B. 283, 197; A.B. 286, 202; A.B. 289, 209; A.B. 290, 209; A.B. 291, 210; A.B. 303, 224; A.B. 307, 225; A.B. 327, 240; A.B. 328, 240; A.B. 339, 255; A.B. 340, 260; A.B. 352, 266; A.B. 353, 267; A.B. 371, 281; A.B. 372, 283; A.B. 374, 286; A.B. 377, 287; A.B. 378, 287; A.B. 385, 293; A.B. 393, 295; A.B. 396, 310; A.B. 405, 322; A.B. 412, 323; A.B. 425, 339; A.B. 452, 428; A.B. 459, 433; A.B. 462, 434; A.B. 484, 456; A.B. 492, 482; A.B. 495, 496; A.B. 502, 511; A.B. 503, 511; A.B. 505, 512; A.B. 506, 520; A.B. 513, 539; A.B. 517, 548; A.B. 518, 550; A.B. 523, 556; A.B. 530, 562; A.B. 532, 563; A.B. 533, 570; A.B. 538, 585; A.B. 554, 634; A.B. 557, 635; A.B. 577, 690; A.B. 583, 691; A.B. 606, 753; A.B. 611, 754; A.B. 634, 810; A.B. 636, 815; A.B. 647, 829; A.B. 648, 833; A.B. 664, 878; A.B. 694, 1033.
Committee Appointments—
Conference re A.B. 47, 2118; A.B. 279, 1831; A.B. 367, 1838; A.B. 538, 2153; A.C.R. 33, 2153; A.C.R. 38, 2153; A.C.R. 49, 2153; S.B. 539, 1480.
Select committee on credentials, 9.
Special—
Inform Senate Assembly ready to adjourn *sine die*, 2182.
Invite Senate to meet in Joint Session, 173.
Standing—
Elections and Procedures (co-vice chairman), 72.
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LAMBERT, JOAN A.—*Continued*
Committee Appointments—*Continued*
Temporary Committee on Credentials, 3.
Moves—
Adopt report of conference committee re A.B. 47, 2151; A.B. 367, 1928; S.B. 539, 1839.
Adopt report of Select Committee on Credentials, 17.
Adoption of amendment(s) to A.B. 8, 420; A.B. 12, 1166; A.B. 15, 236; A.B. 98, 1056; A.B. 138, 236; A.B. 143, 565; A.B. 144, 915; A.B. 266, 917; A.B. 280, 547; A.B. 281, 288; A.B. 341, 749; A.B. 356, 767; A.B. 367, 806; A.B. 369, 822; A.B. 382, 676; A.B. 404, 1228; A.B. 408, 1816; A.B. 413, 1462; A.B. 536, 667; A.B. 538, 831; A.B. 561, 1073; A.B. 696, 1706; A.B. 725, 1851; A.B. 728, 1700; A.C.R. 3, 184; A.C.R. 11, 898; S.B. 161, 1520; S.B. 248, 1239; S.B. 283, 1654; S.B. 303, 1022; S.B. 489, 1958; S.B. 543, 1600.
Adoption of resolution(s), A.C.R. 11, 926.
Concur in Senate amendment(s) to A.B. 8, 2145; A.B. 107, 762; A.B. 137, 950; A.B. 139, 762; A.B. 144, 2121; A.B. 214, 952; A.B. 281, 980; A.B. 286, 952; A.B. 356, 2011; A.B. 370, 2012.
Do not recede from action on S.B. 303, 1255.
Previous question re A.B. 134, 835; A.B. 385, 1331; A.B. 410, 870; A.B. 695, 1788; A.J.R. 26, 814; A.C.R. 13, 799; S.B. 87, 631.
Suspend Rules—
Transmit immediately to the Senate, A.B. 536, 671.
Vote of thanks extended to Chief Justice Steffen, 4.
Potential Conflict of Interest re S.B. 277, 726.
Remarks from the floor re disclosure, 142; A.B. 214, 1212; A.B. 695, 1787; A.C.R. 25, 577; A.R. 14, 1486; A.R. 15, 1936; S.B. 283, 1693.
Resolutions introduced by, A.J.R. 21, 168; A.J.R. 27, 390; A.J.R. 30, 503; A.J.R. 31, 517; A.J.R. 32, 560; A.J.R. 43, 1326; A.C.R. 19, 415; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 48, 1550; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 8, 330; A.R. 14, 1484; A.R. 15, 1935; A.R. 17, 2046.
Roll call vote requested on motion re A.B. 259, 595.

LANDING, MOURYNE B.—*See Chief Clerk of Assembly.*

M

MANENDO, MARK A., Assemblyman from Clark County, No. 18 District—
Absences, excused, 752.
Bills introduced by, A.B. 76, 47; A.B. 79, 65; A.B. 80, 67; A.B. 105, 82; A.B. 107, 83; A.B. 108, 86; A.B. 109, 86; A.B. 110, 86; A.B. 115, 90; A.B. 125, 102; A.B. 152, 112; A.B. 153, 112; A.B. 157, 115; A.B. 166, 117; A.B. 174, 123; A.B. 176, 124; A.B. 177, 124; A.B. 195, 131; A.B. 203, 137; A.B. 204, 138; A.B. 256, 155; A.B. 258, 169; A.B. 273, 186; A.B. 276, 191; A.B. 279, 196; A.B. 281, 196; A.B. 283, 197; A.B. 284, 197; A.B. 285, 202; A.B. 286, 202; A.B. 289, 209; A.B. 290, 209; A.B. 291, 210; A.B. 302, 224; A.B. 303, 224; A.B. 304, 224; A.B. 305, 225; A.B. 307, 225; A.B. 310, 228; A.B. 312, 229; A.B. 314, 229; A.B. 321, 235; A.B. 322, 235; A.B. 323, 236; A.B. 326, 240; A.B. 328, 240; A.B. 339, 255; A.B. 352, 266; A.B. 353, 267;

MANENDO, MARK A.—*Continued*
Bills introduced by—*Continued*
A.B. 371, 281; A.B. 372, 283; A.B. 374, 286; A.B. 378, 287; A.B. 385, 293; A.B. 386, 293; A.B. 393, 295; A.B. 396, 310; A.B. 398, 311; A.B. 399, 313; A.B. 405, 322; A.B. 406, 322; A.B. 410, 323; A.B. 411, 323; A.B. 412, 323; A.B. 424, 333; A.B. 425, 339; A.B. 427, 343; A.B. 443, 409; A.B. 444, 411; A.B. 452, 428; A.B. 457, 432; A.B. 460, 433; A.B. 462, 434; A.B. 468, 453; A.B. 469, 453; A.B. 483, 456; A.B. 484, 456; A.B. 495, 496; A.B. 497, 503; A.B. 502, 511; A.B. 503, 511; A.B. 505, 512; A.B. 509, 525; A.B. 517, 548; A.B. 518, 550; A.B. 525, 556; A.B. 528, 561; A.B. 530, 562; A.B. 531, 562; A.B. 532, 563; A.B. 533, 570; A.B. 538, 585; A.B. 539, 601; A.B. 550, 622; A.B. 551, 623; A.B. 554, 634; A.B. 557, 635; A.B. 559, 647; A.B. 566, 670; A.B. 583, 691; A.B. 584, 692; A.B. 599, 730; A.B. 600, 730; A.B. 606, 753; A.B. 617, 765; A.B. 634, 810; A.B. 635, 811; A.B. 636, 815; A.B. 647, 829; A.B. 648, 833; A.B. 649, 833; A.B. 654, 843; A.B. 663, 877; A.B. 664, 878; A.B. 679, 937; A.B. 694, 1033; A.B. 733, 1587.
Committee Appointments—
Conference re A.B. 61, 1586; A.B. 606, 2088; S.B. 157, 1899.
Standing—
Economic Development and Tourism (co-vice chairman), 72.
Education, 72.
Judiciary, 72.
Labor and Management, 72.
Taxation, 72.
Moves—
Adoption of amendment(s) to A.B. 617, 1182.
Previous question re S.B. 458, 1657.
Remarks from the floor re A.B. 533, 882; A.J.R. 16, 166; A.R. 16, 2036; S.B. 87, 630; S.B. 416, 1771; S.J.R. 2 of the 67th Session, 276.
Resolutions introduced by, A.J.R. 14, 64; A.J.R. 16, 75; A.J.R. 21, 168; A.J.R. 23, 193; A.J.R. 28, 396; A.J.R. 30, 503; A.J.R. 31, 517; A.J.R. 32, 560; A.J.R. 43, 1326; A.C.R. 1, 65; A.C.R. 15, 244; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 33, 727; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 48, 1550; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 14, 1484; A.R. 15, 1935.
Roll call vote requested on motion re A.B. 198, 1224; S.B. 401, 1646; S.B. 579, 1999.

MARVEL, JOHN W., Assemblyman from Humboldt, Pershing, Elko (Part), Eureka (Part), Lander (Part), Counties, No. 34 District—
Absences, excused, 67, 467, 552.
Bills introduced by, A.B. 1, 25; A.B. 8, 26; A.B. 35, 30; A.B. 44, 31; A.B. 73, 36; A.B. 76, 47; A.B. 80, 67; A.B. 105, 82; A.B. 107, 83; A.B. 108, 86; A.B. 109, 86; A.B. 115, 90; A.B. 155, 115; A.B. 156, 115; A.B. 157, 115; A.B. 176, 124; A.B. 178, 127; A.B. 179, 128; A.B. 180, 128; A.B. 193, 130; A.B. 194, 131; A.B. 195, 131; A.B. 203, 137; A.B. 256, 155; A.B. 257, 156; A.B. 258, 169; A.B. 272, 186; A.B. 273, 186; A.B. 274, 186; A.B. 276, 191; A.B. 279, 196; A.B. 286, 202; A.B. 289, 209; A.B. 290, 209; A.B. 291, 210; A.B. 302, 224; A.B. 303, 224; A.B. 306, 225;

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Bills introduced by—*Continued*
A.B. 307, 225; A.B. 314, 229; A.B. 328, 240; A.B. 339, 255; A.B. 352, 267; A.B. 371, 281; A.B. 372, 283; A.B. 374, 286; A.B. 385, 293; A.B. 393, 295; A.B. 396, 310; A.B. 405, 322; A.B. 406, 322; A.B. 425, 339; A.B. 442, 403; A.B. 452, 428; A.B. 459, 433; A.B. 462, 434; A.B. 481, 456; A.B. 483, 456; A.B. 492, 482; A.B. 495, 496; A.B. 497, 503; A.B. 502, 511; A.B. 517, 548; A.B. 518, 550; A.B. 530, 562; A.B. 532, 563; A.B. 533, 570; A.B. 537, 585; A.B. 538, 585; A.B. 557, 635; A.B. 583, 691; A.B. 584; 692; A.B. 606, 753; A.B. 611, 754; A.B. 648, 833; A.B. 684, 1000; A.B. 694, 1033.
Committee Appointments—
Conference re A.B. 210, 2153; S.B. 278, 1572; S.B. 579, 2143.
Standing—
Taxation, 72.
Ways and Means (co-chairman), 72.
Moves—
Adopt report of conference committee re S.B. 579, 2158.
Adoption of amendment(s) to A.B. 22, 406; A.B. 24, 587; A.B. 71, 503; A.B. 106, 625; A.B. 113, 1883; A.B. 128, 287; A.B. 129, 250; A.B. 130, 1199; A.B. 135, 715; A.B. 148, 2007; A.B. 176, 1745; A.B. 194, 1170; A.B. 200, 1575; A.B. 210, 755, 805; A.B. 212, 1063; A.B. 217, 1068; A.B. 218, 1348; A.B. 219, 1303; A.B. 221, 845; A.B. 223, 1006; A.B. 224, 1884; A.B. 227, 966; A.B. 232, 1304; A.B. 236, 1172; A.B. 239, 889; A.B. 244, 860; A.B. 245, 1348; A.B. 270, 1884; A.B. 272, 304; A.B. 310, 1468; A.B. 364, 1463; A.B. 387, 461, 483; A.B. 391, 433; A.B. 426, 504; A.B. 458, 1884; A.B. 487, 1940; A.B. 524, 1463; A.B. 581, 1592; A.B. 622, 1730; A.B. 628, 1107; A.B. 678, 1318; A.B. 691, 1761; A.B. 702, 1941; A.B. 736, 1955; S.B. 122, 141; S.B. 149, 867; S.B. 192, 999; S.B. 207, 1021; S.B. 211, 1278; S.B. 218, 2041; S.B. 223, 1401; S.B. 278, 548; S.B. 301, 1252; S.B. 386, 1762; S.B. 501, 1890; S.B. 579, 1955; S.B. 581, 2137.
Adoption of resolution(s), A.C.R. 24, 605; S.C.R. 21, 485; S.C.R. 44, 935; S.C.R. 49, 1133.
Concur in Senate amendment(s) to A.B. 130, 1836; A.B. 135, 1184; A.B. 182, 1185; A.B. 224, 2134; A.B. 228, 2136; A.B. 255, 2017; A.B. 272, 505; A.B. 430, 1536; A.B. 736, 2126; A.C.R. 24, 1076.
Do not concur in Senate amendment(s) to A.B. 210, 2106.
Do not recede from action on S.B. 149, 1075; S.B. 278, 1572; S.B. 579, 2143.
Previous question re A.B. 134, 852; A.B. 205, 482; A.B. 288, 1829; A.B. 291, 1457; A.B. 345, 1283; A.B. 385, 1331; A.B. 438, 1286; A.B. 584, 1191; A.B. 622, 1744; A.J.R. 15, 234; A.R. 8, 380; S.B. 23, 706; S.B. 87, 612, 631; S.B. 231, 2137; S.B. 299, 2052; S.B. 401, 1645; S.B. 477, 1694; S.B. 494, 1968.
Proclamation by Governor, 925.
Recede from action on S.B. 149, 1075.
Rescind action on A.B. 56, 568; A.B. 212, 2030; A.B. 361, 1244.
Return from enrollment, A.B. 361, 1243.
Nominates—
Mouryne B. Landing to be Chief Clerk, 7.
Remarks from the floor re Senator John Fransway, 485; A.B. 43, 1624; A.C.R. 29, 642; A.C.R. 34, 778; A.C.R. 35, 786; A.R. 14, 1486; A.R. 15, 1937; A.R. 16, 2034; A.R. 17, 2047; S.C.R. 43, 931; S.C.R. 44, 935; S.C.R. 49, 1133.

MARVEL, JOHN W.—*Continued*
Resolutions introduced by, A.J.R. 14, 64; A.J.R. 16, 75; A.J.R. 17, 121; A.J.R. 22, 180; A.J.R. 27, 390; A.J.R. 30, 503; A.J.R. 31, 517; A.J.R. 32, 560; A.J.R. 39, 936; A.J.R. 43, 1326; A.C.R. 1, 65; A.C.R. 15, 244; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 8, 330; A.R. 14, 1484; A.R. 15, 1935.
Roll call vote requested on motion re A.B. 466, 1358; A.R. 8, 380.
Withdraws motion re A.B. 58, 568.

MILLER, ROBERT J.—*See Governor.*

MONAGHAN, JAN F., Assemblyman from Clark County, No. 1 District—
Absences, excused, 264, 752.
Bills introduced by, A.B. 76, 47; A.B. 79, 65; A.B. 99, 72; A.B. 107, 83; A.B. 109, 86; A.B. 115, 90; A.B. 125, 101; A.B. 151, 111; A.B. 152, 112; A.B. 153, 112; A.B. 176, 124; A.B. 195, 131; A.B. 201, 137; A.B. 256, 155; A.B. 273, 186; A.B. 274, 186; A.B. 276, 191; A.B. 279, 196; A.B. 286, 202; A.B. 289, 209; A.B. 302, 224; A.B. 304, 224; A.B. 307, 225; A.B. 310, 228; A.B. 311, 229; A.B. 312, 229; A.B. 321, 235; A.B. 322, 235; A.B. 323, 236; A.B. 328, 240; A.B. 340, 260; A.B. 352, 266; A.B. 371, 281; A.B. 372, 283; A.B. 374, 286; A.B. 378, 287; A.B. 385, 293; A.B. 393, 295; A.B. 396, 310; A.B. 412, 323; A.B. 425, 339; A.B. 427, 343; A.B. 452, 428; A.B. 468, 453; A.B. 469, 453; A.B. 483, 456; A.B. 490, 468; A.B. 492, 482; A.B. 495, 496; A.B. 497, 503; A.B. 502, 511; A.B. 503, 511; A.B. 505, 512; A.B. 517, 548; A.B. 518, 550; A.B. 522, 555; A.B. 530, 562; A.B. 532, 563; A.B. 533, 570; A.B. 538, 585; A.B. 547, 621; A.B. 566, 670; A.B. 584, 692; A.B. 647, 829; A.B. 648, 833; A.B. 649, 833; A.B. 664, 878; A.B. 679, 937; A.B. 694, 1033.
Committee Appointments—
Conference re A.B. 131, 1240; A.B. 186, 681; A.B. 367, 1838; S.B. 157, 1899.
Special, inform Governor Assembly organized, 7.
Standing—
Elections and Procedures, 72.
Health and Human Services (co-chairman), 72.
Judiciary, 72.
Conflict of Interest re A.B. 246, 1190; A.B. 462, 1458.
Moves—
Adopt report of conference committee re S.B. 157, 2094.
Adoption of amendment(s) to A.B. 122, 1541; A.B. 262, 299; A.B. 522, 1310; A.B. 524, 998; A.B. 580, 1106; A.B. 634, 1478; A.B. 645, 1021; A.B. 659, 1595; S.B. 36, 1339; S.B. 293, 893; S.B. 477, 1648.
Concur in Senate amendment(s) to A.B. 634, 2148; A.B. 637, 2088; A.B. 645, 1440; A.C.R. 21, 1440.
Previous question re S.B. 87, 633.
Potential Conflict of Interest re A.B. 482, 1192; A.B. 545, 1663.
Remarks from the floor re A.R. 16, 2036; A.R. 17, 2048; S.B. 579, 1998.
Resolutions introduced by, A.J.R. 14, 64; A.J.R. 28, 396; A.J.R. 30, 503; A.J.R. 32, 560; A.J.R. 43, 1326; A.C.R. 1, 65; A.C.R. 13, 228; A.C.R. 19, 415; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 33, 727; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R.

MONAGHAN, JAN F.—*Continued*
Resolutions introduced by—*Continued*
44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 8, 330; A.R. 14, 1484; A.R. 15, 1935; A.R. 17, 2046.

N

NATURAL RESOURCES, AGRICULTURE AND MINING, COMMITTEE ON—
Bills introduced by, A.B. 20, 28; A.B. 21, 28; A.B. 22, 28; A.B. 147, 111; A.B. 159, 116; A.B. 160, 116; A.B. 161, 116; A.B. 162, 116; A.B. 212, 147; A.B. 409, 322; A.B. 470, 453; A.B. 471, 454; A.B. 496, 502; A.B. 652, 843; A.B. 660, 857; A.B. 716, 1163; A.B. 717, 1164; A.B. 720, 1164; A.B. 723, 1188; A.B. 742, 1966.
Members, appointment, 72.
Resolutions introduced by, A.J.R. 35, 654; A.J.R. 36, 654; A.J.R. 40, 1030; A.J.R. 41, 1209; A.J.R. 42, 1243; A.C.R. 46, 1211.

NEIGHBORS, P. M. ROY, Assemblyman from Esmeralda, Lincoln, Mineral, Nye Counties, No. 36 District—
Bills introduced by, A.B. 80, 67; A.B. 107, 83; A.B. 115, 90, 90; A.B. 117, 94; A.B. 125, 102; A.B. 148, 111; A.B. 154, 115; A.B. 155, 115; A.B. 156, 115; A.B. 157, 115; A.B. 174, 123; A.B. 175, 123; A.B. 176, 124; A.B. 177, 124; A.B. 194, 131; A.B. 195, 131; A.B. 216, 148; A.B. 256, 155; A.B. 257, 156; A.B. 258, 169; A.B. 260, 169; A.B. 262, 180; A.B. 272, 186; A.B. 273, 186; A.B. 274, 186; A.B. 276, 191; A.B. 279, 196; A.B. 281, 196; A.B. 283, 197; A.B. 285, 202; A.B. 286, 202; A.B. 303, 224; A.B. 304, 224; A.B. 305, 225; A.B. 306, 225; A.B. 307, 225; A.B. 310, 228; A.B. 312, 229; A.B. 313, 229; A.B. 326, 240; A.B. 328, 240; A.B. 339, 255; A.B. 353, 267; A.B. 372, 283; A.B. 374, 286; A.B. 377, 287; A.B. 378, 287; A.B. 386, 293; A.B. 393, 295; A.B. 396, 310; A.B. 398, 311; A.B. 399, 313; A.B. 411, 323; A.B. 424, 333; A.B. 425, 339; A.B. 427, 343; A.B. 432, 394; A.B. 433, 394; A.B. 434, 394; A.B. 435, 394; A.B. 436, 395; A.B. 444, 411; A.B. 452, 428; A.B. 457, 432; A.B. 459, 433; A.B. 460, 433; A.B. 462, 434; A.B. 495, 496; A.B. 497, 503; A.B. 502, 511; A.B. 505, 512; A.B. 506, 520; A.B. 517, 548; A.B. 518, 550; A.B. 530, 562; A.B. 533, 570; A.B. 537, 585; A.B. 550, 622; A.B. 551, 623; A.B. 557, 635; A.B. 566, 670; A.B. 584, 692; A.B. 606, 753; A.B. 625, 774; A.B. 631, 802; A.B. 647, 829; A.B. 654, 843; A.B. 679, 937; A.B. 684, 1000.
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NOLAN, DENNIS, Assemblyman from Clark County, No. 13, District —
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Bills introduced by, A.B. 76, 47; A.B. 80, 67; A.B. 105, 82; A.B. 107, 83; A.B. 125, 102; A.B. 151, 111; A.B. 157, 115; A.B. 176, 124; A.B. 194, 131; A.B. 195, 131; A.B. 202, 137; A.B. 203, 137; A.B. 256, 155; A.B. 258, 169; A.B. 262, 180; A.B. 273, 186; A.B. 274, 186; A.B. 276, 191; A.B. 279, 196; A.B. 286, 202; A.B. 289, 209; A.B. 304, 224; A.B. 307, 225; A.B. 310, 228; A.B. 312, 229; A.B. 314, 229; A.B. 323, 236; A.B. 326, 240; A.B. 328, 240; A.B. 340, 260; A.B. 352, 266; A.B. 353, 267; A.B. 371, 281; A.B. 372, 283; A.B. 374, 286; A.B. 377, 287; A.B. 378, 287; A.B. 386, 293; A.B. 393, 295; A.B. 396, 310; A.B. 405, 322; A.B. 406, 322; A.B. 425, 339; A.B. 427, 343; A.B. 443, 409; A.B. 452, 428; A.B. 458, 432; A.B. 460, 433; A.B. 492, 482; A.B. 495, 496; A.B. 503, 511; A.B. 505, 512; A.B. 509, 525; A.B. 517, 548; A.B. 518, 550; A.B. 525, 556; A.B. 528, 561; A.B. 530, 562; A.B. 532, 563; A.B. 533, 570; A.B. 538, 585; A.B. 554, 634; A.B. 557, 635; A.B. 583, 691; A.B. 611, 754; A.B. 647, 829; A.B. 664, 878; A.B. 679, 937; A.B. 694, 1033.
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O

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OHRENSCHALL, GENIE, Assemblyman from Clark County, No. 12 District—
Bills introduced by, A.B. 76, 47; A.B. 79, 65; A.B. 80, 67; A.B. 107, 83; A.B. 115, 90; A.B. 125, 101; A.B. 152, 112; A.B. 153, 112; A.B. 154, 115; A.B. 155, 115; A.B. 156, 115; A.B. 176, 124; A.B. 177, 124; A.B. 195, 131; A.B. 256, 155; A.B. 257, 156; A.B. 262, 180; A.B. 273, 186; A.B. 274, 186; A.B. 279, 196; A.B. 284, 197; A.B. 302, 224; A.B. 303, 224; A.B. 304, 224; A.B. 305, 225; A.B. 307, 225; A.B. 310, 228; A.B. 311, 229; A.B. 312, 229; A.B. 321, 235; A.B. 322, 235; A.B. 323, 236; A.B. 326, 240; A.B. 328, 240; A.B. 339, 255; A.B. 352, 267; A.B. 371, 281; A.B. 372, 283; A.B. 374, 286; A.B. 378, 287; A.B. 393, 295; A.B. 396, 310; A.B. 399, 313; A.B. 405, 322; A.B. 406, 322; A.B. 411, 323; A.B. 412, 323; A.B. 424, 333; A.B. 425, 339; A.B. 427, 343; A.B. 444, 411; A.B. 452, 428; A.B. 457, 432; A.B. 458, 432; A.B. 460, 433; A.B. 462, 434; A.B. 468, 453; A.B. 469, 453; A.B. 483, 456; A.B. 484, 456; A.B. 495, 496; A.B. 497, 503; A.B. 502, 511; A.B. 503, 511; A.B. 505, 512; A.B. 506, 520; A.B. 509, 525; A.B. 517, 548; A.B. 518, 550; A.B. 525, 556; A.B. 528, 561; A.B. 530, 562; A.B. 532, 563; A.B. 533, 570; A.B. 537, 585; A.B. 538, 585; A.B. 550, 622; A.B. 551, 623; A.B. 554, 634; A.B. 557, 635; A.B. 566, 670; A.B. 583, 691; A.B. 584, 692; A.B. 599, 730; A.B. 606, 753; A.B. 634, 810; A.B. 635, 811; A.B. 636, 815; A.B. 647, 829; A.B. 648, 833; A.B. 649, 833; A.B. 679, 937; A.B. 694, 1033; A.B. 724, 1245; A.B. 726, 1245; A.B. 733, 1587.
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Resolutions introduced by, A.J.R. 16, 75; A.J.R. 21, 168; A.J.R. 22, 180; A.J.R. 28, 396; A.J.R. 30, 503; A.J.R. 31, 517; A.J.R. 32, 560; A.J.R. 33, 617; A.J.R. 43, 1326; A.C.R. 1, 65; A.C.R. 9, 107; A.C.R. 13, 228; A.C.R. 15, 244; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 33, 727; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 48, 1550; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 14, 1484; A.R. 15, 1935; A.R. 17, 2046.

P

PERKINS, RICHARD, Assemblyman from Clark County, No. 23 District—
Bills introduced by, A.B. 76, 47; A.B. 79, 65; A.B. 80, 67; A.B. 99, 72; A.B. 107, 83; A.B. 108, 86; A.B. 115, 90; A.B. 125, 102; A.B. 151, 111; A.B. 152, 112; A.B. 176, 124; A.B. 177, 124; A.B. 195, 131; A.B. 256, 155; A.B. 257, 156; A.B. 268, 185; A.B. 273, 186; A.B. 276, 191; A.B. 284, 197; A.B. 285, 202; A.B. 286, 202; A.B. 297, 219; A.B. 302, 224; A.B. 303, 224; A.B. 304, 224; A.B. 305, 225; A.B. 307, 225; A.B. 310, 228; A.B. 311, 229; A.B. 312, 229; A.B. 321, 235; A.B. 322, 235; A.B. 323, 236; A.B. 326, 240; A.B. 328, 240; A.B. 339, 255; A.B. 352, 266; A.B. 353, 267; A.B. 371, 281; A.B. 372, 283; A.B. 374, 286; A.B. 378, 287; A.B. 383, 292; A.B. 384, 293; A.B. 393, 295; A.B. 396, 310; A.B. 399, 313; A.B. 406, 322; A.B. 410, 323; A.B. 411, 323; A.B. 412, 323; A.B. 424, 333; A.B. 425, 339; A.B. 427, 343; A.B. 443, 409; A.B. 444, 411; A.B. 460, 433; A.B. 468, 453; A.B. 484, 456; A.B. 495, 496; A.B. 497, 503; A.B. 502, 511; A.B. 505, 512; A.B. 509, 525; A.B. 517, 548; A.B. 518, 550; A.B. 525, 556; A.B. 530, 562; A.B. 532, 563; A.B. 533, 570; A.B. 551, 623; A.B. 557, 635; A.B. 583, 691; A.B. 584, 692; A.B. 606, 753; A.B. 625, 774; A.B. 634, 810; A.B. 635, 811; A.B. 636, 815; A.B. 647, 829; A.B. 648, 833; A.B. 654, 843; A.B. 664, 878; A.B. 679, 937; A.B. 694, 1033.
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Press representatives, accreditation, 37.
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Assemblyman Joseph E. Dini, Jr. to be Speaker, 4.
Assemblyman Lynn C. Hettrick to be Speaker, 4.
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Resolutions introduced by, A.J.R. 14, 64; A.J.R. 21, 168; A.J.R. 22, 180; A.J.R. 28, 396; A.J.R. 30, 503; A.J.R. 31, 517; A.J.R. 32, 560; A.J.R. 33, 617; A.J.R. 43, 1326; A.C.R. 1, 65; A.C.R. 13, 228; A.C.R. 15, 244; A.C.R. 19, 415; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 33, 727; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 48, 1550; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 14, 1484; A.R. 15, 1935.

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Bache re A.B. 224, 1919; A.B. 225, 1189; A.B. 500, 770; A.B. 586, 963; A.B. 737, 1880; A.J.R. 19 of the 67th Session, 208.

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Adoption of amendment(s) to A.B. 26, 155; A.B. 118, 755; A.B. 261, 282; A.B. 329, 703; A.B. 331, 1747; A.B. 365, 757; A.B. 366, 611; A.B. 388, 1982; A.B. 475, 1689; A.B. 476, 997; A.B. 647, 1396; A.B. 667, 1399; S.B. 131, 999; S.B. 252, 1274; S.B. 344, 1693; S.B. 491, 1903; S.B. 492, 2042; S.B. 506, 1855; S.B. 545, 1385.
Adoption of resolution(s), A.C.R. 7, 239; A.C.R. 40, 884; S.C.R. 17, 396.
Concur in Senate amendment(s) to A.B. 261, 905; A.B. 437, 1909; A.B. 438, 1671; A.B. 545, 1978; A.B. 582, 1929.
Do not concur in Senate amendment(s) to A.B. 192, 1440.
Do not recede from action on S.B. 193, 1860; S.B. 344, 1979.
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Adoption of resolution(s), S.C.R. 16, 1484.
Do not recede from action on S.B. 526, 2016.
Rescind action on A.B. 364, 1215.
Remarks from the floor re A.B. 214, 1212; A.R. 8, 378; A.R. 16, 2034; S.B. 87, 630.
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STROTH, JEANNINE, Assemblyman from Clark County, No. 5 District—
Bills introduced by, A.B. 76, 47; A.B. 105, 82; A.B. 107, 83; A.B. 108, 86; A.B. 109, 86; A.B. 110, 86; A.B. 115, 90; A.B. 125, 102; A.B. 151, 111; A.B. 152, 112; A.B. 154, 115; A.B. 174, 123; A.B. 194, 131; A.B. 195, 131; A.B. 201, 137; A.B. 202, 137; A.B. 256, 155; A.B. 258, 169; A.B. 262, 180; A.B. 273, 186; A.B. 274, 186; A.B. 276, 191; A.B. 279, 196; A.B. 286, 202; A.B. 289, 209; A.B. 290, 209; A.B. 291, 210; A.B. 302, 224; A.B. 307, 225; A.B. 312, 229; A.B. 314, 229; A.B. 322, 235; A.B. 323,

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Adopt report of conference committee re S.B. 272, 1605.
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Adoption of resolution(s), S.C.R. 29, 644.
Concur in Senate amendment(s) to A.B. 170, 2146; A.B. 306, 838; A.B. 377, 1979; A.B. 450, 2150; A.B. 527, 2016; A.B. 656, 2027.
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Recede from action on S.B. 338, 1979.
Rescind action on A.B. 47, 32; A.B. 50, 32; S.B. 271, 1292.
Suspend Rules—
Declare an emergency measure, S.B. 572, 1830; Transmit immediately to the Senate, A.B. 65, 1284; A.B. 122, 1582; A.B. 200, 1582; A.B. 287, 1284; A.B. 345, 1284; A.B. 363, 1582; A.B. 438, 1286; A.B. 632, 1582; A.B. 635, 1284; A.B. 651, 1582; A.B. 721, 1284; S.B. 574, 1962; S.B. 577, 1962.
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Remarks from the floor re Las Vegas Dustdevils soccer team, 644; A.B. 291, 1455; A.R. 16, 2036; S.B. 309, 1495; S.C.R. 29, 644.
Resolutions introduced by, A.J.R. 28, 396; A.J.R. 30, 503; A.J.R. 31, 517; A.J.R. 32, 560; A.J.R. 43, 1326; A.C.R. 15, 244; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 8, 330; A.R. 14, 1484; A.R. 15, 1935; A.R. 17, 2046.
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TIFFANY, SANDRA J., Assemblyman from Clark County, No. 21 District—
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Committee Appointments—
Conference re S.B. 298, 1605; S.B. 344, 1979; S.B. 492, 2156.
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Concur in Senate amendment(s) to A.B. 299, 1606; A.B. 476, 1605; A.B. 479, 1606; A.B. 581, 2017.
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Resolutions introduced by, A.J.R. 21, 168; A.J.R. 27, 390; A.J.R. 30, 503; A.J.R. 32, 560; A.J.R. 43, 1326; A.C.R. 15, 244; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 48, 1550; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 8, 330; A.R. 14, 1484; A.R. 15, 1935.
Speaker pro Tempore of Assembly—
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TRIPPLE, PATRICIA A., Assemblyman from Washoe County, No. 32 District—
Bills introduced by, A.B. 76, 47; A.B. 105, 82; A.B. 107, 83; A.B. 108, 86; A.B. 109, 86; A.B. 110, 86; A.B. 115, 90; A.B. 125, 102; A.B. 157, 115; A.B. 166, 117; A.B. 195, 131; A.B. 256, 155; A.B. 273, 186; A.B. 274, 186; A.B. 276, 191; A.B. 279, 196; A.B. 286, 202; A.B. 290, 209; A.B. 291, 210; A.B. 328, 240; A.B. 340, 260; A.B. 352, 266; A.B. 353, 267; A.B. 372, 283; A.B. 374, 286; A.B. 378, 287; A.B. 393, 295; A.B. 396, 310; A.B. 399, 313; A.B. 405, 322; A.B. 411, 322; A.B. 425, 339; A.B. 444, 411; A.B. 452, 428; A.B. 460, 433; A.B. 462, 434; A.B. 483, 456; A.B. 484, 456; A.B. 492, 482; A.B. 495, 496; A.B. 497, 503; A.B. 502, 511; A.B. 503, 511; A.B. 505, 512; A.B. 506, 520; A.B. 509, 525; A.B. 517, 548; A.B. 518, 550; A.B. 528, 561; A.B. 530, 562; A.B. 532, 563; A.B. 533, 570; A.B. 557, 635; A.B. 566, 670; A.B. 583, 691; A.B. 584, 692; A.B. 611, 754; A.B. 634, 810; A.B. 647, 829; A.B. 648, 833; A.B. 649, 833; A.B. 679, 937; A.B. 694, 1033.

TRIPPLE, PATRICIA A.—*Continued*
Committee Appointments—
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Health and Human Services, 277.
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Adopt report of conference committee re A.C.R. 14, 2154.
Adoption of resolution(s), S.C.R. 5, 698.
Potential Conflict of Interest re A.B. 500, 770; A.J.R. 19th of the 67th Session, 208.
Remarks from the floor re A.B. 290, 1450; A.B. 291, 1455; S.B. 581, 2162.
Resolutions introduced by, A.J.R. 30, 503; A.J.R. 31, 517; A.J.R. 32, 560; A.J.R. 43, 1326; A.C.R. 15, 244; A.C.R. 25, 575; A.C.R. 27, 605; A.C.R. 28, 620; A.C.R. 29, 640; A.C.R. 30, 642; A.C.R. 34, 775; A.C.R. 35, 784; A.C.R. 40, 884; A.C.R. 41, 926; A.C.R. 44, 1060; A.C.R. 45, 1209; A.C.R. 47, 1261; A.C.R. 49, 1609; A.C.R. 50, 1779; A.C.R. 52, 1932; A.R. 8, 330; A.R. 14, 1484; A.R. 15, 1935; A.R. 17, 2046.

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ASSEMBLY STANDING RULES

AND THE

JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

OF THE

SIXTY-EIGHTH SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

1995

ASSEMBLY STANDING RULES

I. OFFICERS AND EMPLOYEES

DUTIES OF OFFICERS

1

Speakers of the Assembly.

1. All officers of the Assembly are subordinate to the Speakers in all that relates to the prompt, efficient and correct discharge of their official duties under the Speakers' supervision.

2. Possessing the powers and performing the duties described in this rule, the Speakers shall:

(a) Take the chair at the hour to which the Assembly stands adjourned, call the members to order, and upon the appearance of a quorum, proceed to business.

(b) Preserve order and decorum and have general direction of the chamber of the Assembly and the approaches thereto, and in the event of any disturbance or disorderly conduct therein, order the same to be cleared.

(c) Decide all questions of order, subject to a member's right to appeal to the Assembly. On appeal from such decisions, the Speakers have the right, in their places, to assign the reason for their decision.

(d) Have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond one legislative day.

(e) When the Assembly resolves itself into Committee of the Whole, name a chairman to preside thereover and call him to the chair.

(f) Have the power to accredit the persons who act as representatives of the press, radio and television, and assign them seats.

(g) Sign all bills and resolutions passed by the Legislature as provided by law.

(h) Sign all subpenas issued by the Assembly or any committee thereof.

(i) Receive all messages and communications from other departments of the government and announce them to the Assembly.

(j) Represent the Assembly, declare its will and in all things obey its commands.

(k) Vote on final passage of a bill or resolution, but the Speakers shall not be required to vote in ordinary legislative proceedings except where their votes would be decisive. In all aye and no votes, the Speakers' names, in alphabetical order, shall be called last.

3. If a vacancy occurs in the office of Speaker, through death, resignation or disability of a Speaker, the corresponding Speaker pro Tempore shall temporarily and for the period of vacancy or disability act in that Speaker's place to conduct the necessary business of the Assembly.

4. If a permanent vacancy occurs in an office of Speaker, the Assembly shall select a new Speaker.

[Statutes of Nevada 1975, 1912; A 1995, 2845]

2

Reserved.

3

Reserved.

4

Reserved.

5

Reserved.

6

Reserved.

[Statutes of Nevada 1973, 1886; R 1985, 2315]

The next rule is 10.

II. SESSIONS AND MEETINGS

10

Time of Meeting.

The Assembly shall meet each day at 11 a.m., unless the Assembly adjourns to some other hour.

[Statutes of Nevada 1975, 1857]

11

Open Meetings.

All meetings of the Assembly and its standing committees shall be open to the public.

[Statutes of Nevada 1975, 1907]

12

Reserved.

The next rule is 20.

III. DECORUM AND DEBATE

20

Points of Order.

If any member, in speaking or otherwise, transgresses the rules of the Assembly, the Speakers shall, or any member may, call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain; and if called to order by a member, such member shall immediately state the point of order. If the point of order be sustained by the

presiding officer, the member shall not be allowed to proceed; but if it be notsustained, then he shall be permitted to go on. Every such decision from the presiding officer shall be subject to an appeal to the House; but no discussion of the question of order shall be allowed unless an appeal be taken from the decision of the presiding officer.

[Statutes of Nevada 1973, 1886; A 1993, 2913; 1995, 2847]

21

Reserved.

22

Reserved.

23

Committee on Ethics; Legislative Ethics.

1. The Committee on Ethics consists of:

(a) Four members of the Assembly appointed by the Speakers; and

(b) Two qualified electors of the state chosen by the members of the committee who are appointed pursuant to paragraph (a), neither of whom is a present or former member of the Legislature or employed by the State of Nevada.

2. The Speakers shall appoint two members of the Assembly, one from each major political party to serve as alternate members of the committee. If a member is disqualified, the alternate appointed from the same political party shall serve as a member of the committee during the consideration of a specific question.

3. A member is disqualified if he is the requester of advice concerning a question of ethics or conflict of interest, or if the advice is requested by another member of the Assembly and a reasonable person in his situation could not exercise independent judgment on the matter in question.

4. The committee shall hear complaints on alleged breaches of ethics and conflicts of interest, brought by Legislators and others, and it may advise Legislators on questions of breaches of ethics and conflicts of interest. All proceedings held to consider the character, alleged misconduct, professional competence or physical or mental health of any person by the committee on matters of ethics or conflicts of interest are confidential unless a Legislator:

(a) Against whom a complaint is brought requests a public hearing;

(b) Discloses the opinion of the committee at any time after his hearing; or

(c) Discloses the content of an advisory opinion issued to him by the committee.

5. A complaint which alleges a breach of ethics or a conflict of interest must be in writing and signed by the person making the allegation. The complaint must be filed with the chairmen and he shall send a copy of the complaint, within 24 hours after receiving it, to the Legislator against whom the complaint is brought.

6. The criterion to be applied by the committee in determining whether a

Legislator has a conflict of interest is whether the independence of judgment of a reasonable person in his position upon the matter in question would be materially affected by:

(a) His acceptance of a gift or loan; or

(b) His private economic interest.

7. A Legislator who determines that he has a conflict of interest may vote upon, advocate or oppose any measure as to which a potential conflict exists if he makes a general disclosure of the conflict. In determining whether to vote upon, advocate or oppose the measure, the Legislator should consider whether:

(a) The conflict impedes his independence of judgment;

(b) His participation will produce a negative effect on the public's confidence in the integrity of the Legislature;

(c) His participation is likely to have any significant effect on the disposition of the measure; and

(d) His interest is greater than the interests of an entire class of persons similarly situated.

[Statutes of Nevada 1977, 1706; A 1987, 2325, 2336; 1995, 2847]

The next rule is 30.

IV. QUORUM, VOTING, ELECTIONS

30

Manner of Voting.

1. The presiding officer shall declare all votes but the ayes and noes shall be taken when called for by three members present, and the names of those calling for the ayes and noes shall be entered in the Journal by the Chief Clerk.

2. The presiding officer shall call for ayes and noes by a division or by a roll call, either electronic or oral.

3. When taking the ayes and noes on any question, the electronic roll call system may be used, and when so used shall have the force and effect of any roll call under these rules.

4. When taking the ayes and noes by oral roll call, the Chief Clerk shall take the names of members alphabetically except that the Speakers, in alphabetical order, shall be called last.

5. The electronic roll call system may be used to determine the presence of a quorum.

6. The ayes and noes shall not be taken with the electronic roll call system until all members present are at their desks. The Speakers and the Speakers pro Tempore may vote at their desks or at the rostrum.

7. Only a member, certified by the Committee on Credentials or special committee of the Assembly, may cast a vote in the Assembly. A member shall not vote for another member on any roll call, either electronic or oral.

Any member who votes for another member may be punished in any manner deemed appropriate by the Assembly.

[Statutes of Nevada 1975, 1879; A 1995, 2848]

31

Reserved.

32

Announcement of the Vote.

1. A member may change his vote at any time before the announcement of the vote if the voting is by voice, or at any time before the votes are electronically recorded if the voting is conducted electronically.

2. The announcement of the result of any vote shall not be postponed.

[Statutes of Nevada 1975, 1876]

33

Voting by Division.

Upon a division and count of the Assembly on any question, no person without the bar shall be counted.

[Statutes of Nevada 1973, 1887]

The next rule is 40.

V. LEGISLATIVE BODIES

40

Standing Committees.

The standing committees of the Assembly are as follows:

1. Ways and Means, fourteen members.
2. Judiciary, fourteen members.
3. Taxation, twelve members.
4. Education, twelve members.
5. Elections and Procedures, twelve members.
6. Natural Resources, Agriculture and Mining, ten members.
7. Labor and Management, ten members.
8. Transportation, ten members.
9. Commerce, twelve members.
10. Health and Human Resources, twelve members.
11. Government Affairs, fourteen members.
12. Economic Development and Tourism, eight members.

[Statutes of Nevada 1975, 1857; A 1977, 1728; 1981, 2059, 2064; 1983, 2103; 1985, 2315; 1987, 2326, 2399; 1989, 2204; 1991, 2479; 1993, 2915, 2967; 1995, 2849, 2878]

41

Appointment of Committees.

Except as otherwise provided in Assembly Standing Rule No. 23, all committees must be appointed by the Speakers, unless otherwise directed by the Assembly. The Speakers shall designate the chairmen and vice chairmen of each committee.

To facilitate the full participation of the members during the adjournment required by NRS 218.115, the Speakers may temporarily appoint a member to a standing committee that is scheduled to meet during the adjournment if none of the committees to which the member is regularly assigned will be meeting during the adjournment.

[Statutes of Nevada 1973, 1903; A 1977, 1707; 1985, 2314; 1993, 2916; 1995, 2850]

42

Committee Action.

1. The committee shall have regular meetings scheduled by the Assembly leadership. A quorum of the committee is a majority of its members and may transact business except as limited by this rule.

2. Except as otherwise provided in subsection 3, motions may be moved, seconded and passed by voice vote by a simple majority of those present.

3. Definite action on a bill or resolution will require a majority of the entire committee except when the vote on a motion to report a bill or resolution to the floor, with or without amendment, results in a tie vote of the entire committee. In that case, the bill or resolution must be reported out of committee without a recommendation for action. The vote on such a bill or resolution may be reconsidered at any time before the bill or resolution is transmitted back to the Assembly, upon a motion to reconsider which is approved by a majority of the entire committee. Such a motion to reconsider may be made by any member of the committee.

4. Except as otherwise provided in subsection 3, a two-thirds majority of all the committee is required to reconsider action on a bill or resolution.

5. Committee introduction of legislative measures which are not prefiled requires concurrence of two-thirds of the committee and does not imply commitment to support final passage.

6. The chairmen shall vote on all final action regarding bills or resolutions. No member of the committee may vote by proxy under any circumstances.

[Statutes of Nevada 1973, 1903; A 1995, 2850]

43

Subcommittees.

Subcommittees made up of committee members may be appointed by the chairmen to consider and report back on specific subjects or bills.

[Statutes of Nevada 1973, 1903; A 1995, 2850]

44

Committee on Elections and Procedures.

The Committee on Elections and Procedures has jurisdiction over matters relating to personnel. It shall recommend by resolution the appointment of all attachés and employees of the Assembly not otherwise provided for by law. It may suspend or remove any such attaché or employee for incompetency or dereliction of duty. It shall function as the Committee on Rules and as the Committee on Credentials of the Assembly.

[Statutes of Nevada 1973, 1885; A 1977, 1707; 1981, 2059, 2171; 1985, 2316; 1991, 2480; 1993, 2916]

45

Procedure for Election Contests.

1. Upon receipt of a statement of contest from the Secretary of State pursuant to NRS 293.427, the Speakers shall, as soon as practicable, appoint a special committee to hear the contest or refer the contest to the Standing Committee on Elections and Procedures. The committee shall conduct a hearing to consider the contest. The committee shall keep written minutes of the hearing. The contestant has the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby.

2. The contest must be submitted so far as may be possible upon depositions or by written or oral arguments as the Assembly may order. Any party to a contest may take the deposition of any witness at any time after the statement of contest is filed with the Secretary of State and before the contest is finally decided. At least 3 days' notice must be given to the prospective deponent and to the other party. If oral statements are made at any hearing before the Assembly or a committee thereof which purport to establish matters of fact, they must be made under oath. Strict rules of evidence do not apply.

3. The committee shall, not later than 5 calendar days after the contest was referred to the committee, report to the Assembly its findings on whether the contestant has met the burden of proving that any irregularities shown were of such a nature as to establish that the result of the election was changed thereby. The committee shall then report to the Assembly its recommendation on which person should be declared elected or report that it has no recommendation. The Assembly shall, as soon as practicable thereafter but not later than 7 calendar days after the Speakers received the statement of contest, vote whether to accept or reject the committee's recommendation without amendment, if a recommendation is made. If the recommendation is accepted, the Speakers shall declare the recommended person elected. If the recommendation is rejected or the committee did not make a recommendation, the Assembly shall consider immediately which person should be declared elected. The Speakers shall not adjourn the Assembly until it has declared a person to be elected.

4. The Speakers shall inform the Governor of the identity of the person declared to be elected by the Assembly.

[Statutes of Nevada 1973, 1885; R 1987, 2326; Readopted 1989, 2204; A 1991, 2480; 1993, 2917; 1995, 2851]

46

Committee Action on Reports.

Committee reports shall be adopted at a committee session actually assembled and meeting as a committee with a quorum present. Every committee vote on a matter pertaining to a bill or resolution shall be recorded. The vote may be taken by roll call at the discretion of the chairmen.

[Statutes of Nevada 1973, 1903; A 1995, 2852]

47

Committee Records.

The chairmen of each committee shall keep, or cause to be kept, a complete record of the committee proceedings in which there shall be entered:

1. The time and place of each meeting;
2. The attendance and absence of members;
3. The name of the chairman presiding;
4. The names of all persons appearing before the committee, with the names of persons, firms, corporations or associations in whose behalf such appearance is made; and
5. The subjects or measures considered and action taken.

[Statutes of Nevada 1973, 1903; A 1995, 2852]

48

Disposition of Committee Records.

All minutes, records and documents in the possession of committees and their chairmen shall be filed in the offices of the Legislative Counsel Bureau upon adjournment sine die.

[Statutes of Nevada 1973, 1904]

49

Committee Hearings.

A public hearing must be held on each bill and resolution which is referred to committee. The presence of a quorum of the committee is desirable but not required. Public hearings are opened by the presiding chairman who announces the subject under consideration and provides for those wishing to address the committee to be heard. These persons shall rise in an order determined by the presiding chairman, address the chair, furnish their names, addresses and firms or other organizations represented. Committee members may address the chairman for permission to question the witness.

When all persons present have been heard, the presiding chairman may declare closed the portion of the meeting wherein the committee will accept public testimony on the matter before proceeding to other matters.

[Statutes of Nevada 1975, 1914; A 1995, 2852]

50

Reserved.

51

Reserved.

52

Concurrent Referrals.

When a bill or resolution is referred to two committees the bill or resolution must go to the first committee named. If the first committee votes to amend the bill or resolution, it must be reprinted with amendments and then returned to the first committee or sent immediately to the next committee. If there is no amendment proposed by the first committee, or if the first committee acts upon the bill or resolution after amendment, the bill or resolution must be sent with the committee recommendation immediately to the second committee.

[Statutes of Nevada 1975, 1909; A 1987, 2326; 1989, 2205]

The next rule is 60.

VI. RULES GOVERNING MOTIONS

60

Entertaining.

No motion shall be debated until the same be distinctly announced by the presiding officer; and it shall be reduced to writing, if desired by the Speakers or any member, and be read by the Chief Clerk before the same shall be debated. A motion may be withdrawn by the maker at any time before amendment or before the motion is put to vote.

[Statutes of Nevada 1973, 1889; A 1995, 2853]

61

Reserved.

62

Reserved.

PARTICULAR MOTIONS

63

Reserved.

64

Reserved.

65

Indefinite Postponement.

When a question is postponed indefinitely, the same shall not be considered again during the session and the question shall not be subject to a motion for reconsideration.

[Statutes of Nevada 1973, 1889]

66

To Strike Enacting Clause.

A motion to strike out the enacting clause of a bill or resolution shall not take precedence over any other subsidiary motion. If the motion is carried, it shall be considered equivalent to the rejection of such bill or resolution.

[Statutes of Nevada 1973, 1889]

67

Division of Question.

Any member may call for a division of the question, which shall be divided, if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the Assembly. A motion to strike out being lost shall preclude neither amendment nor a motion to strike out and insert. A motion to strike out and insert shall be deemed indivisible.

[Statutes of Nevada 1973, 1889]

68

To Reconsider—Precedence Of.

A motion to reconsider shall have precedence over every other motion, except a motion to adjourn, or to fix the time to which to adjourn; and when the Assembly adjourns, while a motion to reconsider is pending, or before passing the order of Motions and Resolutions, the right to move a reconsideration shall continue to the next day of sitting. No notice of reconsideration of any final vote shall be in order on the day preceding the last day of the session.

[Statutes of Nevada 1973, 1890]

The next rule is 80.

VII. DEBATE

80

Speaking on Question.

No member shall speak more than twice during the consideration of any one question, on the same day, and at the same stage of proceedings, without

leave. Members who have once spoken shall not again be entitled to the floor (except for explanation) to the exclusion of others who have not spoken.

[Statutes of Nevada 1973, 1890]

81

Previous Question.

The previous question shall be put only when demanded by three members. The previous question shall not be moved by the member last speaking on the question.

[Statutes of Nevada 1973, 1890]

The next rule is 90.

VIII. CONDUCT OF BUSINESS

A. RULES AND PROCEDURE

90

Mason's Manual.

The rules of parliamentary practice contained in Mason's Manual of Legislative Procedure shall govern the Assembly in all cases in which they are applicable and in which they are not inconsistent with the Standing Rules and orders of the Assembly, and the Joint Rules of the Senate and Assembly.

[Statutes of Nevada 1973, 1890]

91

Suspension of Rule.

No standing rule or order of the Assembly shall be rescinded or changed without a vote of two-thirds of the members elected, and one day's notice being given of the motion therefor; but a rule or order may be suspended temporarily by a vote of two-thirds of the members present.

[Statutes of Nevada 1973, 1890]

92

Notices of Bills, Topics and Public Hearings.

1. Except as otherwise provided in subsection 3:

(a) All committees shall provide notice of public hearings on bills, resolutions or topics of high public importance at least 5 calendar days before such hearings.

(b) Notice for public hearings on bills, resolutions and topics not deemed by the chairmen to be of high public importance must be provided at least 24 yours before such hearings.

(c) Notice shall also be provided for all other committee meetings at least 24 hours in advance of such meetings.

Notices in all cases shall include the date, time, place and agenda to be covered and shall be posted conspicuously in the legislative building, appear in the daily history and be made available to the press.

2. The noticing requirements of this rule may be suspended for emergency situations but only after approval by a two-thirds vote of a committee.

3. Subsection 1 does not apply to:

(a) Committee meetings held on the floor of the Assembly during a recess; or

(b) Conference committee meetings.

[Statutes of Nevada 1975, 1915; A 1995, 2855]

93

Reserved.

94

Privilege of the Floor and Lobbying.

No person, except Senators, former Assemblymen and state officers, may be admitted at the bar of the Assembly, except by special invitation on the part of some member; but a majority may authorize the Speakers to have the Assembly cleared of all such persons. No person may do any lobbying upon the floor of the Assembly at any time, and it is the duty of the Sergeant at Arms to remove any person violating any of the provisions of this rule.

[Statutes of Nevada 1973, 1891; A 1983, 2152; 1995, 2856]

95

Material Placed on Legislators' Desks.

All papers, letters, notes, pamphlets and other written material placed upon an Assemblyman's desk shall contain the signature of the Legislator requesting the placement of such material on the desk or shall contain a designation of the origin of such material. This rules does not apply to books containing the legislative bills and resolutions, the legislative daily histories, the legislative daily journals or Legislative Counsel Bureau material.

[Statutes of Nevada 1973, 1891]

96

Peddling and Soliciting.

Peddling, begging and soliciting are strictly forbidden in the Assembly Chamber, and in the lobby, gallery and halls adjacent thereto, and no part of said chamber or halls shall be used for, or occupied by signs or other devices for any kind of advertising.

[Statutes of Nevada 1973, 1891]

97

Petitions and Memorials.

Petitions, memorials and other papers addressed to the Assembly, shall be presented by the Speakers, or by a member in their place. A brief statement of the contents thereof shall be made by the introducer. They shall not be debated on the day of their being presented, but shall be on the table, or be referred, as the Assembly shall determine.

[Statutes of Nevada 1973, 1891; A 1995, 2856]

98

Request of Purpose.

A member may request the purpose of a bill or joint resolution upon its introduction.

[Statutes of Nevada 1973, 1891]

99

Remarks.

It shall be in order for members to make remarks and to have such remarks entered in the Journal.

[Statutes of Nevada 1973, 1891]

100

Precedence of Parliamentary Authority.

The precedence of parliamentary authority in the Assembly shall be as follows:

1. The Constitution of the State of Nevada.
2. The Statutes of the State of Nevada.
3. The Standing Rules of the Assembly and the Joint Standing Rules of the Senate and Assembly.
4. Mason's Manual of Legislative Procedure.

[Statutes of Nevada 1973, 1891]

101

Reserved.

[Statutes of Nevada 1987, 2327; R 1989, 2206]

102

Reserved.

103

Reserved.

B. BILLS

104

Reserved.

[Statutes of Nevada 1973, 1883; A 1973, 1911; R 1983, 2106]

105

Substitute Bills.

A substitute bill shall be deemed and held to be an amendment, and treated in all respects as such. However, a substitute bill may be amended after its adoption, in the same manner as if it were an original bill.

[Statutes of Nevada 1973, 1893]

106

Skeleton Bills.

The introduction of skeleton bills is authorized after the beginning of a session when, in the opinion of the sponsor and the Legislative Counsel, the full drafting of the bill would entail extensive research or be of considerable length. A skeleton bill will be provided for purposes of introduction and committee referral. Such bill will be a presentation of ideas or statements of purpose, sufficient in style and expression to enable the Legislature and the committee to which the bill may be referred to consider the substantive merits of the legislation proposed. The committee, if it treats the skeleton bill favorably, shall then request the draft of a completed bill in such detail as would afford the committee the opportunity of considering the legislative ideas proposed in context with all their necessary ramifications.

[Statutes of Nevada 1973, 1893]

107

Reserved.

[Statutes of Nevada 1973, 1893; R 1985, 2316]

108

Reserved.

[Statutes of Nevada 1985, 2316; R 1987, 2327]

109

Reading of Bills.

The presiding officer shall announce at each reading of a bill whether it be the first, second or third reading. The first reading of a bill shall be for information. If there is objection, the question shall be, "Shall the bill be rejected?" If the question to reject fails to receive a majority vote by the members present, or if there is no objection, the bill shall take the proper

course. No bill shall be referred to a committee until after the first reading, nor amended until after the second reading.

[Statutes of Nevada 1973, 1894; A 1995, 2858]

110

Second Reading and Amendment of Bills.

All bills shall be read the second time on the first legislative day after which they are reported by committee, unless a different day is designated by motion. Upon second reading, Assembly bills reported without amendments shall be engrossed and placed on the General File and Senate bills reported without amendments shall be placed on the General File. Committee amendments reported with bills shall be considered upon their second reading, and such amendments may be adopted by a majority vote of the members present. Any amendment which is numbered, copied and made available to all members shall be moved and voted upon by number unless any member moves that it be read in full. Assembly bills so amended shall be reprinted, engrossed, and placed on the General File, and Senate bills so amended shall be reprinted, reengrossed, and placed on the General File.

Any member may move to amend a bill during its second or third reading, and such motion to amend may be adopted by a majority vote of the members present. Bills so amended on second reading shall be treated the same as bills with committee amendments. Any bill so amended upon the General File shall be reprinted and reengrossed.

The reprinting of amended bills may be dispensed with only in accordance with the provisions of law.

[Statutes of Nevada 1975, 1915]

111

Consent Calendar.

1. On or before the 80th calendar day of a regular session, a standing committee may by unanimous vote of the members present report a bill with the recommendation that it be placed on the consent calendar. The question of recommending a bill for the consent calendar may be voted upon in committee only after the bill has been recommended for passage and only if no amendment is recommended. If the bill is an Assembly bill, it must be engrossed upon receipt by the Chief Clerk of the committee's recommendation.

2. The Chief Clerk shall maintain a list of bills recommended for the consent calendar. The list must be printed in the daily history and must include the summary of each bill, and the date the bill is scheduled for consideration on final passage.

3. Unless postponed by motion, the consent calendar must be considered on Monday and Thursday. A bill reported on Friday to Monday, inclusive, is eligible to be considered on the following Thursday; a bill reported on

Tuesday to Thursday, inclusive, is eligible to be considered on the following Monday.

4. At any time before the presiding officer calls for a vote on the passage of the consent calendar, a member may give written notice to the Chief Clerk or state orally from the floor of the Assembly in session that he objects to the inclusion of a particular bill on the consent calendar. If a member so objects, the Chief Clerk shall remove the bill from the consent calendar and transfer it to the second reading file. A bill removed from the consent calendar may not be restored to that calendar.

5. During floor consideration of the consent calendar, members may ask questions and offer explanations relating to the respective bills.

6. When the consent calendar is brought to a vote, the bills remaining on the consent calendar must be read by number and summary and the vote must be taken on their final passage as a group.

[Statutes of Nevada 1977, 1660; A 1987, 2328]

112

Reserved.

113

General File.

All bills reported to the Assembly, by either standing or special committees, after receiving their second readings shall be placed upon a General File, to be kept by the Chief Clerk. No bill shall be considered by the Assembly until the regular order of business shall have been gone through. Then bills shall be taken from the General File and acted upon in the order in which they were reported, unless otherwise specially ordered by the Assembly. But engrossed bills shall be placed at the head of the file, in the order in which they are received. The Chief Clerk shall post, in a conspicuous place in the chamber, a daily statement of the bills on the General File, setting forth the order in which they are filed, and specifying the alterations arising from the disposal of business each day. He shall likewise post notices of special orders as made.

[Statutes of Nevada 1973, 1895]

114

Reserved.

115

Reconsideration of Vote on Bill.

On the first legislative day that the Assembly is in session succeeding that on which a final vote on any bill or resolution has been taken, a vote may be reconsidered on the motion of any member. Notice of intention to move such reconsideration shall be given on the day on which such final vote was taken by a member voting with the prevailing party. It shall not be in order for any

member to move a reconsideration on the day on which such final vote was taken, except by unanimous consent. But there shall be no reconsideration of a vote on a motion to indefinitely postpone. Motions to reconsider a vote upon amendments to any pending question may be made at once.

[Statutes of Nevada 1973, 1895]

116

Reserved.

117

Reserved.

C. RESOLUTIONS

118

Treated as Bills—Joint Resolutions.

The procedure of enacting joint resolutions shall be identical to that of enacting bills. However, joint resolutions proposing amendments to the Constitution shall be entered in the Journal in their entirety.

[Statutes of Nevada 1973, 1895]

119

Reserved.

120

Order of Business.

The Order of Business must be as follows:

1. Roll Call.
2. Reading and Approval of Journal.
3. Presentation of Petitions.
4. Reports of Standing Committees.
5. Reports of Select Committees.
6. Communications.
7. Messages from the Senate.
8. Motions, Resolutions and Notices.
9. Introduction, First Reading and Reference.
10. Consent Calendar.
11. Second Reading and Amendment.
12. General File and Third Reading.
13. Unfinished Business of Preceding Day.
14. Special Orders of the Day.
15. Remarks from the Floor, limited to 10 minutes.

[Statutes of Nevada 1973, 1895; A 1977, 1660; 1985, 2316; 1987, 2328; 1989, 2206]

121

Reserved.

122

Privileged Questions.

Privileged questions shall have precedence of all others in the following order:

1. Motions to fix the time to which the Assembly shall adjourn.
2. Motions to adjourn.
3. Questions relating to the rights and privileges of the Assembly or any of its members.
4. A call of the House.
5. Motions for special orders.

[Statutes of Nevada 1973, 1896]

123

Privilege of Closing Debate.

The author of a bill, resolution or a main question shall have the privilege of closing the debate, unless the previous question has been sustained.

[Statutes of Nevada 1973, 1896]

124

Reserved.

125

Reserved.

126

Vetoed Bills.

Bills which have passed both Houses of the Legislature and are transmitted to the Assembly accompanied by a message or statement of the Governor's disapproval or veto of the same, shall be taken up and considered immediately upon the coming in of the message transmitting the same, or shall become the subject of a special order, and when the message is received, or (if made a special order) when the special order is called, the said message or statement shall be read together with the bill or bills so disapproved or vetoed; and the message and bill shall be read by the Chief Clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon save as provided by law and custom, that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Speakers is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall first have been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the

Speakers have stated the question, save a motion to adjourn or a motion for the previous question, but the merits of the bill itself may be debated. The message or statement containing the objections of the Governor to the bill shall be entered upon the Journal of the Assembly. The consideration of a vetoed bill, and the objections of the Governor thereto, shall be a privileged question, and shall take precedence over all others.

[Statutes of Nevada 1973, 1896; A 1995, 2861]

127

Reserved.

128

Reserved.

The next rule is 140.

IX. LEGISLATIVE INVESTIGATIONS AND MISCELLANEOUS

140

Compensation of Witnesses.

Witnesses summoned to appear before the Assembly or any of its committees shall be compensated as provided by law for witnesses required to attend in the courts of the State of Nevada.

[Statutes of Nevada 1973, 1897]

141

Use of the Assembly Chamber.

The Assembly Chamber shall not be used for any public or private business other than legislative, except by permission of the Assembly.

[Statutes of Nevada 1973, 1897]

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JOINT STANDING RULES OF THE SENATE AND ASSEMBLY

1

COMMITTEES OF CONFERENCE

To Be Appointed by One House at Request of the Other.

In every case of an amendment of a bill, or joint or concurrent resolution, agreed to in one House, dissented from in the other, and not receded from by the one making the amendment, each House shall appoint a committee to confer with a like committee to be appointed by the other; and the committee so appointed shall meet publicly at a convenient hour to be agreed upon by their respective chairmen and announced publicly, and shall confer upon the differences between the two Houses as indicated by the amendments made in one and rejected in the other and report as early as convenient the result of their conference to their respective Houses. The report shall be made available to all members of both Houses. The whole subject matter embraced in the bill or resolution shall be considered by the committee, and it may recommend recession by either House, new amendments, new bills or resolutions, or other changes as it sees fit. New bills or resolutions so reported shall be treated as amendments unless the bills or resolutions are composed entirely of original matter, in which case they shall receive the treatment required in the respective Houses for original bills, or resolutions, as the case may be.

The report of a conference committee may be adopted by acclamation, and such action may be considered equivalent to the adoption of amendments embodied therein. The report is not subject to amendment. If either House refuses to adopt the report, or if the first conference committee has so recommended, a second conference committee may be appointed. No member who served on the first committee may be appointed to the second.

There shall be but two committees of conference on any bill or resolution. A majority of the members of a committee of conference from each House must be members who voted for the passage of the bill or resolution.

[Statutes of Nevada 1947, 872; A 1977, 1697; 1979, 1964]

2

MESSAGES

Procedure Concerning.

Proclamations by the Governor convening the Legislature in extra session shall, by direction of the presiding officer of each House, be read immediately after the convening thereof, filed and entered in full upon the Journal of proceedings.

Whenever a message from the Governor is received, the Sergeant at Arms will announce: "Mr. President, or Mr. Speaker, the Secretary of the Governor is at the bar." The secretary will, upon being recognized by the presiding officer, announce: "Mr. President, or Mr. Speaker, a message from His Excellency, the Governor of Nevada, to the Honorable, the Senate or Assembly," and hand same to the Sergeant at Arms for delivery to the Secretary of the Senate or Chief Clerk of the Assembly. The presiding officer will direct the biennial message of the Governor to be received and read, and all special messages to be received, read and entered in full upon the Journal of proceedings.

Messages from the Senate to the Assembly shall be delivered by the Secretary or Assistant Secretary, and messages from the Assembly to the Senate shall be delivered by the Chief Clerk or Assistant Clerk, who shall be announced by the doorkeeper, enter within the bar, announce and deliver his message.

[Statutes of Nevada 1931, 466]

3

BILLS

Communications.

Each House shall communicate its final action on any bill or resolution, or matter in which the other may be interested, in writing, signed by the Secretary or Clerk of the House from which such notice is sent.

[Statutes of Nevada 1931, 410]

4

BILLS AND JOINT RESOLUTIONS

Signature.

Each enrolled bill or joint resolution shall be presented to the presiding officers of both Houses for signature. They shall, after announcement is made of their intention to do so, sign it in open session and their signatures shall be followed by those of the Secretary of the Senate and Chief Clerk of the Assembly.

[Statutes of Nevada 1931, 467; A 1977, 1656]

5

Reserved.

[Statutes of Nevada R 1979, 1964]

6

PRINTING

Each House may order the printing of bills introduced, reports of its own committees, and other matter pertaining to that House only; but no other

printing may be ordered except by a concurrent resolution passed by both Houses. Each Senator is entitled to the free distribution of four copies of each bill introduced in each House, and each Assemblyman to such a distribution of two copies. Additional copies of such bills may be distributed at a charge to the person to whom they are addressed. The amount charged for distribution of the additional copies must be determined by the Director of the Legislative Counsel Bureau to approximate the cost of handling and postage for the entire session.

[Statutes of Nevada 1920-21, 410; A 1977, 1657; 1979, 1964; 1983, 2108; 1991, 2476]

7

RESOLUTIONS

1. A joint resolution must be used to:

(a) Propose an amendment to the Nevada constitution.

(b) Ratify a proposed amendment to the United States Constitution.

(c) Address the President of the United States, Congress, either House or any committee or member of Congress, any department or agency of the Federal Government, or any other state of the Union.

2. A concurrent resolution must be used to:

(a) Amend these joint rules.

(b) Request the return from the Governor of an enrolled bill for further consideration.

(c) Resolve that the return of a bill from one House to the other House is necessary and appropriate.

(d) Express facts, principles, opinion and purposes of the Senate and Assembly.

(e) Establish a joint committee of the two Houses.

(f) Direct the Legislative Commission to conduct an interim study.

3. A concurrent resolution or a resolution of one House may be used to:

(a) Memorialize a former member of the Legislature or other notable or distinguished person upon his death.

(b) Congratulate or commend any person or organization for a significant and meritorious accomplishment, but any request for drafting the resolution must be approved by the Senate Committee on Legislative Affairs and Operations or the Assembly Committee on Elections and Procedures before submission to the Legislative Counsel.

[Statutes of Nevada 1963, 1452; A 1977, 1657; 1979, 2036; 1989, 2201; 1993, 2903]

8

VETOES

Special Order.

Bills which have passed a previous Legislature, and which are transmitted to the Legislature next sitting, accompanied by a message or statement of the

Governor's disapproval, or veto of the same, shall become the subject of a special order; and when the special order for their consideration is reached and called, the said message or statement shall be read, together with the bill or bills so disposed or vetoed; and the message and bill shall be read by the Clerk without interruption, consecutively, one following the other, and not upon separate occasions; and no such bill or message shall be referred to any committee, or otherwise acted upon, save as provided by law and custom; that is to say, that immediately following such reading the only question (except as hereinafter stated) which shall be put by the Chair is, "Shall the bill pass, notwithstanding the objections of the Governor?" It shall not be in order, at any time, to vote upon such vetoed bill without the same shall have first been read, from the first word of its title to and including the last word of its final section; and no motion shall be entertained after the Chair has stated the question save a motion for "The previous question," but the merits of the bill itself may be debated.

[Statutes of Nevada 1920-21, 410]

9

ADJOURNMENT

1. In calculating the permissible duration of an adjournment for 3 days or less, the day of adjournment must not be counted but the day of the next meeting must be counted, and Sunday must not be counted.

2. The Legislature may adjourn for more than 3 days by concurrent resolution. One or more such adjournments, for a total of not more than 20 days during any regular session, may be taken to permit standing committees, select committees or the Legislative Counsel Bureau to prepare the matters respectively entrusted to them for the consideration of the Legislature as a whole.

[Statutes of Nevada 1920-21, 410; A 1977, 1698; 1991, 2477; 1993, 2904; 1995, 2897]

10

EXPENDITURES FROM THE LEGISLATIVE FUND

Except for routine salary, travel, equipment and operating expenses, no expenditures shall be made from the Legislative Fund without the authority of a Concurrent Resolution regularly adopted by the Senate and Assembly.

[Statutes of Nevada 1955, 956]

11

LEGISLATIVE COMMISSION

1. When members of the minority party in the Senate or in the Assembly comprise less than 34 percent of the total number elected to that House,

minority party membership for that House on the Legislative Commission must be:

(a) One, if such membership is less than 21 percent.

(b) Two, if such membership is between 21 percent and 33 percent.

If the members of the minority party in the Senate or in the Assembly comprise more than 33 percent of the total number elected to that House, minority party membership for that House on the Commission must be three, being equal to the membership of the majority party.

2. Each House shall select one or more alternate members for each member from that House, designating them according to party or according to the individual member whom the alternate would replace.

3. A vacancy in the regular Senate or Assembly membership created by death or by resignation or by the Legislator's ceasing to be a member of the Legislature shall be filled by the proper alternate member as designated by that House. If there is no proper alternate member, the Legislative Commission shall fill the vacancy by appointing a Senator or Assemblyman of the same party.

4. If for any reason a member is or will be absent from a meeting and there are no alternates available, the chairman of the commission may appoint a member of the same House and political party to attend the meeting as an alternate.

5. The members shall serve until their successors are appointed by resolution as provided in NRS 218.660, notwithstanding that their terms of office may have expired, except that the membership of any member who does not become a candidate for reelection or who is defeated for reelection shall terminate on the day next after the election and the vacancy shall be filled as provided in this rule.

6. The chairman shall be selected at the first meeting of the newly formed Legislative Commission and shall serve until his successor is appointed following the formation of the next Legislative Commission.

[Statutes of Nevada 1975, 1959; A 1977, 1719; 1981, 2147]

12

RECORDING COMMITTEE PROCEEDINGS ON AUDIO TAPE

1. Each standing committee of the Legislature shall record on audio tape the proceedings of its meetings.

2. The secretary of a standing committee shall:

(a) Label each tape with the date, time and place of the meeting and also indicate on the label the numerical sequence in which the tape was recorded;

(b) Keep the tapes in chronological order; and

(c) Deposit the tapes immediately following the final adjournment of any regular or special session of the Legislature with the Director of the Legislative Counsel Bureau.

3. The Director of the Legislative Counsel Bureau shall:

(a) Index the tapes;

(b) Make the tapes available for listening by any person during office hours under such reasonable conditions as he may deem necessary;

(c) Maintain a log as a public record containing the date, time, name and address of any person listening to any tapes and identifying the tapes listened to; and

(d) Retain the tapes for two bienniums and at the end of that period dispose of the tapes in any manner he deems reasonable.

[Statutes of Nevada 1979, 2012]

13

REAPPORTIONMENT

The Committee on Government Affairs of the Senate and the Committee on Elections and Procedures of the Assembly are respectively responsible for measures which primarily affect the designation of the districts from which members are elected to the Legislature. Any request for research concerning the population of proposed districts must be submitted to the Research Division of the Legislative Counsel Bureau through one of these committees.

[Statutes of Nevada 1981, 2068; A 1993, 2906]

14

LIMITATION ON INTRODUCTION AND REQUESTS FOR DRAFTING OF LEGISLATIVE MEASURES

1. Except as otherwise provided in subsection 2, any request submitted, after a regular legislative session has convened, to the Legislative Counsel for the drafting of a bill or resolution will not be honored by the Legislative Counsel unless the request is approved by:

(a) A two-thirds vote of the members present in the House where it is to be introduced; or

(b) A standing committee of that House if the request was approved by two-thirds of all of the members of the committee before the request was submitted to the Legislative Counsel. A standing committee may only request the drafting of a bill or resolution or introduce a bill or resolution that is within the jurisdiction of the standing committee.

2. After a regular legislative session has convened, the Legislative Counsel shall honor not more than 5 requests from each Assemblyman and not more than 10 requests from each Senator for the drafting of a bill or resolution which has not received the approval required by subsection 1.

3. After the first 10 calendar days of a regular legislative session, bills and joint resolutions may be introduced by:

(a) Standing committees without consent. A measure introduced by a standing committee must indicate the person or organization at whose request the measure was drafted.

(b) Except as otherwise provided in subsection 4, a member who had requested the drafting of the bill or resolution by the Legislative Counsel before the 16th calendar day of the legislative session.

4. The following measures must be introduced by a standing committee:

(a) Measures drafted at the request of agencies and officers of the executive branch of state government, local governments, the courts and other authorized nonlegislative requesters.

(b) Measures requested by interim legislative studies.

(c) Bills and joint resolutions requested by a standing committee, or by persons designated to request measures on behalf of a standing committee during the interim. Bills and joint resolutions requested by or on behalf of a standing committee must be introduced by that committee.

5. Simple and concurrent resolutions requested by or on behalf of a standing committee may be introduced by an individual member.

6. If two or more measures are being considered in the same house which are substantially duplicative, only the measure which has been assigned the lowest number for the purpose of establishing its priority in drafting may be considered, unless the measure with the lowest number is not introduced within 5 days after introduction of a measure with a higher number.

7. A legislator may not change the subject matter of a request for a legislative measure after it has been submitted for drafting.

8. Consent to suspend this rule may be given only by the affirmative vote of a majority of the members elected to the House where it is to be introduced, which must be entered in its Journal for that day, and the consent may apply to no more than one bill or resolution or request for drafting.

[Statutes of Nevada 1983, 2101; A 1989, 2202, 2361; 1991, 2577; A 1993, 3124; 1995, 2868]

15

CONTINUATION OF LEADERSHIP OF THE SENATE AND ASSEMBLY DURING THE INTERIM BETWEEN SESSIONS

1. Except as otherwise provided in subsections 2 and 3, the tenure of the President pro Tem, Majority Leader and Minority Leader of the Senate and the Speaker, Speaker pro Tem, Majority Leader and Minority Leader of the Assembly extends during the interim between regular sessions of the Legislature.

2. The Senators designated to be the President pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session of the Legislature if the Senator formerly holding the respective position is no longer a Legislator.

3. The Assemblymen designated to be the Speaker, Speaker pro Tem, Majority Leader and Minority Leader for the next succeeding regular session shall perform any statutory duty required in the period between the time of their designation after the general election and the organization of the next succeeding regular session.

[Statutes of Nevada 1985, 2404; A 1987, 2335]

16

TIME LIMITATIONS ON INTRODUCTION OF LEGISLATION REQUESTED BY STATE OR LOCAL GOVERNMENT

1. Except as otherwise provided in subsection 2, on the first legislative day, the Legislative Counsel shall randomly deliver, in equal amounts, all legislative measures drafted at the request of any state agency or department or any local government to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. Bill drafts delivered pursuant to this subsection may not be introduced after the 15th legislative day.

2. Any legislative measure properly requested in accordance with NRS 218.241 and 218.245 by any state agency or department or any local government which has not been drafted before the first legislative day must, upon completion, be immediately and randomly delivered, in equal amounts, by the Legislative Counsel to the Majority Leader of the Senate and the Speaker of the Assembly for consideration for introduction. Bill drafts delivered pursuant to this subsection may be introduced only during the 15 legislative days following delivery.

[Statutes of Nevada 1989, 2366]

17

DATE OF FIRST JOINT BUDGET HEARING

The first joint meeting of the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means to consider the budgets of the agencies of the state must be held on or before the 92nd calendar day of the regular session.

[Statutes of Nevada 1991, 2478, 2597]

18

CRITERIA FOR REVIEWING BILLS THAT REQUIRE POLICIES OF HEALTH INSURANCE TO PROVIDE COVERAGE FOR CERTAIN TREATMENT OR SERVICES

Any standing committee of the Senate or Assembly to which a bill is referred requiring a policy of health insurance delivered or issued for

delivery in this state to provide coverage for any treatment or service shall review the bill giving consideration to:

1. The level of public demand for the treatment or service for which coverage is required and the extent to which such coverage is needed in this state;

2. The extent to which coverage for the treatment or service is currently available;

3. The extent to which the required coverage may increase or decrease the cost of the treatment or service;

4. The effect the required coverage will have on the cost of obtaining policies of health insurance in this state;

5. The effect the required coverage will have on the cost of health care provided in this state; and

6. Such other considerations as are necessary to determine the fiscal and social impact of requiring coverage for the treatment or service.

[Statutes of Nevada 1991, 2510; A 1993, 2909]

19

INTERIM FINDINGS AND RECOMMENDATIONS OF LEGISLATIVE COMMITTEES

Each legislative committee that adopted any findings or recommendations during the interim since the last regular session of the Legislature shall, no later than the 14th calendar day of the regular session, inform interested members of the Senate and Assembly of those findings and recommendations.

[Statutes of Nevada 1991, 2628; A 1993, 2909]

20

POLICY AND PROCEDURES REGARDING SEXUAL HARASSMENT

1. The Legislature hereby declares its intention to maintain a working environment which is free from sexual harassment. This policy applies to all legislators, lobbyists, legislative interns and employees of the Legislature, including supervisors and coworkers. Each member, lobbyist, legislative intern and employee of the Legislature is responsible to conduct himself or herself in a manner which will ensure that others are able to work in such an environment.

2. For the purposes of this rule, "sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, including, but not limited to:

(a) Verbal conduct such as epithets, derogatory comments, slurs or unwanted sexual advances, invitations or comments;

(b) Visual conduct such as derogatory posters, photography, cartoons, drawings or gestures;

(c) Physical conduct such as unwanted touching, blocking normal movement or interfering with the work directed at a person because of his sex;

(d) Threats and demands to submit to sexual requests to keep a person's job or avoid some other loss, and offers of employment benefits in return for sexual favors; and

(e) Retaliation for opposing, reporting or threatening to report sexual harassment, or for participating in an investigation, proceeding or hearing conducted by the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission,

when submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment or submission to or rejection of such conduct by a person is used as the basis for employment decisions affecting the person or such conduct has the purpose or effect of unreasonably interfering with a person's work performance or creating an intimidating, hostile or offensive working environment.

3. A person may have a claim of sexual harassment even if he has not lost a job or some other economic benefit. Conduct that impairs a person's ability to work or his emotional well-being at work constitutes sexual harassment.

4. If a person believes he is being sexually harassed on the job, he may file a written complaint with:

(a) The Speaker of the Assembly, if the complaint involves the conduct of a member, legislative intern or employee of the Assembly or a lobbyist;

(b) The Majority Leader of the Senate, if the complaint involves the conduct of a member, legislative intern or employee of the Senate or a lobbyist; or

(c) The Director of the Legislative Counsel Bureau, if the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate.

The complaint must include the details of the incident or incidents, the names of the persons involved and the names of any witnesses.

5. Except as otherwise provided in subsection 6, the Speaker of the Assembly or the Majority Leader of the Senate, as appropriate, shall refer a complaint against a member, legislative intern or employee of a certain House to a committee consisting of legislators of the same House. A complaint against a lobbyist may be referred to a committee in either House.

6. If the complaint involves the conduct of the Speaker of the Assembly or the Majority Leader of the Senate, the Director of the Legislative Counsel Bureau shall refer the complaint to the Assembly Standing Committee on Elections and Procedures or the Senate Standing Committee on Legislative Affairs and Operations, as appropriate. If the Speaker of the Assembly or the Majority Leader of the Senate is a member of one of these committees, the Speaker or the Majority Leader, as the case may be, shall not participate in the investigation and resolution of the complaint.

7. The committee to which the complaint is referred shall immediately conduct a confidential and discreet investigation of the complaint. As a part

of the investigation, the committee shall notify the accused of the allegations. The committee shall facilitate a meeting between the complainant and the accused to allow a discussion of the matter, if both agree. If the parties do not agree to such a meeting, the committee shall request statements regarding the complaint from each of the parties. Either party may request a hearing before the committee. The committee shall make its determination and inform the complainant and the accused of its determination as soon as practicable after it has completed its investigation.

8. If the investigation reveals that sexual harassment has occurred, the Legislature will take remedial action against the member, lobbyist, legislative intern or employee which is commensurate with the severity of the offense. The committee shall inform the complainant of any action taken against the member, lobbyist, legislative intern or employee. The Legislature will also take any action necessary to deter any future harassment.

9. The Legislature will not retaliate against a person who files a complaint and will not knowingly permit any retaliation by the person's supervisors or coworkers.

10. The Legislature encourages a person to report any incident of sexual harassment immediately so that the complaint can be quickly and fairly resolved.

11. Action taken by a complainant pursuant to this rule does not prohibit the complainant from also filing a complaint of sexual harassment with the Nevada Equal Rights Commission or the federal Equal Employment Opportunity Commission.

[Statutes of Nevada 1995, 3015]

21

VOTE ON GENERAL APPROPRIATION BILL

A period of at least 24 hours must elapse between the introduction of the general appropriation bill and a vote on its final passage by its house of origin.

[Statutes of Nevada 1995, 3022]

22

USE OF LOCK BOXES BY STATE AGENCIES

To expedite the deposit of state revenue, the Senate Standing Committee on Finance and the Assembly Standing Committee on Ways and Means shall, when reviewing the proposed budget of a state agency which collects state revenue, require if practicable, the agency to deposit revenue that it has received within 24 hours after receipt. The committees shall allow such agencies to deposit the revenue directly or contract with a service to deposit the revenue within the specified period.

[Statutes of Nevada 1995, 3030]

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